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The Commonwealth of Massachusetts

ANNUAL REPORT

OF THE

LICENSING BOARD

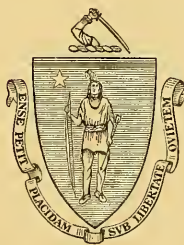
FOR THE

CITY OF BOSTON

FOR THE

YEAR ENDING NOVEMBER 30

1933



The Commonwealth of Massachusetts

ANNUAL REPORT

of the

LICENSING BOARD FOR THE CITY OF BOSTON

December 1, 1933

TO HIS EXCELLENCY JOSEPH B. ELY, *Governor of the Commonwealth of Massachusetts*

Sir:—The Licensing Board for the City of Boston respectfully submits its twenty-eighth annual report covering the year ending November 30, 1933.

PERSONNEL OF THE BOARD

David T. Montague, Chairman, Arthur J. Selfridge, and Mary E. Driscoll, constitute the present Board.

FINANCIAL

Receipts and disbursements for the year ending November 30, 1933:

Non-intoxicating Beverages Licenses, Malt and Wine	\$405,210.00	
Miscellaneous Licenses	46,403.00	
Liquor Licenses	4,189.00	
Miscellaneous Receipts	360.17	
		<hr/>
		\$456,162.17
Expenses of the Board, salaries, rent, light, etc.		32,916.16
		<hr/>
Excess receipts over expenditures		\$423,246.01

LICENSES GRANTED BY THE BOARD

1. Third-class liquor, retail druggists	339
2. Fourth-class liquor, wholesale dealers	14
3. Fifth-class, industrial alcohol	1
4. Non-intoxicating alcoholic beverages, malt and wine	2,651
5. Soft drinks	2,289
6. Innholder and common victualers	3,209
7. Club victualers	12
8. Lodging houses	3,035
9. Intelligence offices	105
10. Sale of firearms	12
11. Billiard and pool tables and bowling alleys	268
12. Ferris wheels and merry-go-rounds	4
13. Picnic groves	4
14. Sunday sale of ice cream, confectionary, soda water and fruit	2,277
15. Entertainment required by Chapter 299, Acts of 1926	291
16. Roller skating rinks	2
	<hr/>
	14,513

Total number of applications acted on during the year:

Granted, 14,513

Rejected, 419.

Total, 14,932.

The Board has held 430 formal hearings during the year in addition to many informal conferences.

HEARINGS

KIND OF LICENSE	NUMBER	ACTION TAKEN
Innholders	1	Revoked
Innholders	1	Dismissed
Innholders	1	Granted after a hearing
Innholders	2	Rejected after a hearing
Innholders	1	Suspended 3 days
Innholders	1	Warned
Entertainment, etc.	2	Revoked
Entertainment, etc.	2	Revoked but revocation suspended
Entertainment, etc.	3	Placed on file
Entertainment, etc.	3	Granted after a hearing
Entertainment, etc.	1	Rejected after a hearing
Entertainment, etc.	1	Suspended indefinitely
Entertainment, etc.	1	Withdrawn
Common Victualers	10	Revoked
Common Victualers	20	Revoked but revocation suspended
Common Victualers	22	Placed on file
Common Victualers	11	Dismissed
Common Victualers	32	Granted after a hearing
Common Victualers	11	Rejected after a hearing
Common Victualers	2	Suspended 2 days
Common Victualers	6	Suspended 6 days
Common Victualers	2	Suspended 1 week
Common Victualers	2	Suspended 2 weeks
Common Victualers	1	Suspended 3 weeks
Common Victualers	2	Suspended 1 month
Common Victualers	1	Withdrawn
Common Victualers	1	Miscellaneous
Common Victualers	4	Restricted
Common Victualers	1	Warned
Club Victualers	1	Granted after a hearing
Firearms	1	Dismissed
Lodging Houses	3	Revoked
Lodging Houses	11	Revoked but revocation suspended
Lodging Houses	1	Placed on file
Lodging Houses	16	Dismissed
Lodging Houses	10	Granted after a hearing
Lodging Houses	2	Rejected after a hearing
Druggists	1	Revoked but revocation suspended
Druggists	8	Granted after a hearing
Druggists	1	Suspended 1 week
Intelligence Offices	2	Granted after a hearing
Fruit, etc.	3	Revoked
Fruit, etc.	29	Revoked but revocation suspended
Fruit, etc.	8	Placed on file
Fruit, etc.	6	Granted after a hearing
Fruit, etc.	3	Rejected after a hearing
Fruit, etc.	8	Suspended 1 week
Fruit, etc.	4	Suspended 2 weeks
Fruit, etc.	2	Suspended 1 month
Soft Drinks	1	Revoked
Soft Drinks	32	Revoked but revocation suspended
Soft Drinks	10	Placed on file
Soft Drinks	6	Granted after a hearing
Soft Drinks	1	Rejected after a hearing
Soft Drinks	9	Suspended 1 week
Soft Drinks	5	Suspended 2 weeks
Soft Drinks	2	Suspended 1 month
Pool, etc.	6	Revoked but revocation suspended
Pool, etc.	1	Dismissed
Pool, etc.	4	Granted after a hearing
Pool, etc.	4	Rejected after a hearing
Pool, etc.	1	Cancelled
Clubs	3	Granted after a hearing
Beer	3	Revoked
Beer	9	Revoked but revocation suspended
Beer	10	Placed on file
Beer	4	Dismissed
Beer	18	Granted after a hearing
Beer	8	Rejected after a hearing
Beer	3	Suspended 3 days
Beer	1	Suspended 2 weeks
Beer	1	Suspended 3 weeks
Beer	2	Miscellaneous
Beer	10	Restricted
Beer	5	Warned
Beer	2	Forfeited
Merry-go-round	1	Rejected after a hearing
	430	Total number of hearings.

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TABLE 1.—LIQUOR

The following is a classified list of the licenses in force November 30, 1933:

Fourth-class dealers	6	Fifth-class license	1
Fourth-class druggists	6	Third-class druggists	305

318

Number of Licenses Issued and Amount Paid into the Treasury from December 1, 1932 to December 1, 1933

6 Fourth-class dealers, at \$300	\$1,800.00
1 Fourth-class dealer, at \$300 (part of year)	250.00
6 Fourth-class druggists, at \$300	1,800.00
338 Third-class druggists, at \$1	338.00
1 Fifth-class license, at \$1	1.00
Total	<hr/> \$4,189.00

Liquor licenses are issued under the Massachusetts Liquor Law subject to Federal laws and regulations. The fee for a third and a fifth-class license is fixed by the statute at one dollar.

TABLE 2.—NON-INTOXICATING BEVERAGES, MALT AND WINE

A.—Temporary Licenses

<i>Common Victualers</i>			
Applications granted			772
Places licensed			740
Canceled:			32
Surrendered		4	
For non-payment of fee		28	
Rejected			121
Transferred			3
Withdrawn			65
Fees:	496 @ \$70	\$34,720	
	63 @ 60	3,780	
	213 @ 50	10,650	
		<hr/>	\$49,150
Cancelled for non-payment of fee:			
	20 @ \$70	\$1,400	
	2 @ 60	120	
	6 @ 50	300	
		<hr/>	\$1,820
Net fees collected			\$47,330.00
Of the licenses granted, 13 were for dining cars.			
<i>Innholders</i>			
Applications granted			41
Places licensed			39
Cancelled for non-payment of fee			2
Withdrawn			3
Fees:	35 @ \$70	\$2,450	
	2 @ 60	120	
	4 @ 50	200	
		<hr/>	\$2,770
Cancelled for non-payment of fee:			
	1 @ \$70	\$70	
	1 @ 50	50	
		<hr/>	\$120
Net fees collected			\$2,650.00

Retail Bottle Stores

Applications granted			176
Places licensed			172
Canceled for non-payment of fee			4
	4 @ \$60	\$240	
Withdrawn			839
Fees:	48 @ \$70	\$3,360	
	121 @ 60	7,260	
	7 @ 50	350	

 \$10,970

Net fees collected			\$10,730.00
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Clubs

Applications granted			53
Places licensed			52
Canceled			1
Withdrawn			3
Fees:	39 @ \$70	\$2,730	
	5 @ 60	300	
	9 @ 50	450	

 \$3,480

Canceled for non-payment of fee

1 @ \$60	\$60
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Net fees collected			\$3,420.00
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(B) Permanent Licenses*Common Victualers*

Applications granted			1,026
Places licensed			950
Canceled:			76
Surrendered			15
Non-payment of fee			61
Rejected			23
Transferred			4
Fees:	175 @ \$275	\$48,125	
	851 @ 250	212,750	

 \$260,875

Canceled for non-payment of fee:

9 @ \$275	\$2,475
52 @ 250	13,000

 \$15,475

Net fees collected			\$245,400.00
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Of the licenses granted, 15 were for dining cars.

Innholders

Applications granted			37
Places licensed			34
Canceled:			3
Surrendered			1
Non-payment of fee			2
Fees:	5 @ \$275	\$1,375	
	32 @ 250	8,000	

 \$9,375

Canceled for non-payment of fee:

2 @ \$250	\$500
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Net fees collected			\$8,875
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Retail Bottle Stores

Applications granted					416
Places licensed					278
Canceled:					137
Surrendered				6	
Non-payment of fee				131	
Rejected					7
Withdrawn					20

Fees:	258 @ \$275	\$70,950
	157 @ 250	39,250
	1 @ 240	240

\$110,440

Canceled for non-payment of fee:	110 @ \$275	30,250
	21 @ 250	5,250

Reconsidered and rejected	1 @ \$275	275
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\$35,775

Net fees collected:			\$74,665.00
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Clubs

Applications granted					48
Places licensed					45
Canceled					1
Declared "Null and Void"					2
Rejected					4
Withdrawn					7

Fees:	5 @ \$275	\$1,375
	43 @ 250	10,750

\$12,125

Canceled for non-payment of fee:	1 @ \$250	250
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Net fees collected			\$11,875.00
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(C)—Special Alcoholic Beverages Licenses

Applications granted					82
Places licensed					80
Canceled for non-payment of fee					2
Fees collected					\$265.00

TABLE 3.—COMMON VICTUALERS AND INNHOLDERS.

Common Victualers

Applications granted					3,131
Places licensed					2,470
Canceled:					651
Surrendered				445	
Non-payment of fee				206	
Rejected					89
Revoked					10
Transferred					101
Fees collected					\$14,600.00

Of the licenses granted, 37 were for dining cars, 35 of which are in actual operation.

5 (1933) licenses unpaid.

Innholders

Applications granted	78	
Places licensed	65	
Canceled:	12	
Surrendered	8	
Non-payment of fee	4	
Rejected	8	
Revoked	1	
Fees collected		\$370.00

The fee fixed by Statute is not to exceed \$5.00.

TABLE 4.—CLUB VICTUALERS

Applications granted	12	
Places licensed	12	
Reconsidered and rejected	1	
Fees collected		\$60.00

TABLE 5.—BILLIARD, POOL AND SIPPIC TABLES AND BOWLING ALLEYS

Applications granted	239	
Clubs	29	
	268	
Places licensed	204	
Places licensed (clubs)	29	
Canceled:	30	
Surrendered	13	
Non-payment of fee	17	
Rejected	10	
Transferred	8	
Withdrawn	6	
Additional	5	

Number of Tables and Alleys

Billiards	239	
Pool	917	
Bowling alleys	645	
Canceled for non-payment :		
3 Billiard, 39 Pool, 37 Bowling Alleys.		
Fees collected		\$9,005.00

The fee established by the Board is \$5 for each table. and alley.

1 (1933) license unpaid.

TABLE 6.—INTELLIGENCE OFFICES

Applications granted	105	
Places licensed	99	
Canceled:	3	
Non-payment of fee: Class 1	1	
Class 2	2	
Transfers granted	3	
Withdrawn Class 2	1	1
Fees collected		\$3,342.00
Of the applications granted		
47 were first-class	\$2,350	
1 @ \$35.00	35	
41 were second-class	1,025	
16 were third-class	32	

The fee established by the Board is—

\$50 for a first-class license;

\$25 for a second-class license;

\$2 for a third-class license.

1 license was issued at \$35.

5 licensed places hold two classes of licenses.

TABLE 7.—PICNIC GROVES

Applications granted	4	
Places licensed	4	
Fees collected		\$20.00

The fee established by the Board is \$5.

TABLE 8.—SUNDAY SALE OF ICE CREAM, CONFECTIONERY, SODA WATER OR FRUIT

Applications granted	2,277	
Places licensed	1,954	
Canceled:	321	
Surrendered	179	
Non-payment of fee	142	
Rejected		32
Transferred		58
Revoked		4
Fees collected		\$10,675.00
Withdrawn	65	

2 licenses were restored after cancellation.

The fee fixed by Statute is not to exceed \$5.

TABLE 9.—LODGING HOUSES

Applications granted	3,035	
Places licensed	2,805	
Canceled:	227	
Surrendered	167	
Non-payment of fee	60	
Rejected		78
Revoked		3
Transferred		83
Fees collected (1) (2)		\$5,934.00

The fee established by the City is \$2.

(1) 3 (1932) licenses paid.

(2) 6 (1933) licenses unpaid.

TABLE 10.—MERRY-GO-ROUNDS, FERRIS WHEELS, ETC.

Applications granted	4	
Places licensed	4	
Rejected	2	
Fees collected		\$130.00

The fee established by the Board is \$2.50 for each class for each day licensed.

TABLE 11.—RETAIL VENDORS OF SOFT DRINKS

Applications granted	2,289	
Places licensed	2,000	
Canceled:	288	
Surrendered	151	
For non-payment	137	
Rejected		31
Revoked		2
Transfers granted		60
Withdrawn		70
Fees collected		\$2,152.00

1 license restored after cancellation.

The fee is established by law, not to exceed \$1.00.

TABLE 12.—ROLLER SKATING RINKS

Applications granted	2	
Places licensed	2	
Fees collected		\$50.00

The fee established by the Board is \$25.

TABLE 13.—FIREARMS

Applications granted	12	
Places licensed	12	
Fees collected		\$60.00

The fee established by the Board is \$5.

TABLE 14.—ENTERTAINMENT, ETC.

Applications granted:	Innholders	25	
	Common Victualers	265	
	Soft Drinks	1	
Canceled:			
Surrendered:	Common Victualers	7	
Rejected:	Common Victualers	11	
Revoked:	Common Victualers	2	
Places in operation		282	
Fees collected			\$5.00

Under the Statute no fee is collectible from persons holding an innholder or common victualer license.

TABLE 15.—MISCELLANEOUS RECEIPTS

Recording fees	\$353.00
Sale of Firearms books	4.80
Sale of old papers, etc.	2.37
Total amount received and paid into the treasury on account of miscellaneous licenses and receipts	\$46,763.17

HOLDERS OF LICENSES ARRANGED ACCORDING TO NATIVITY

	Lodging Houses	Common Victualers	Inn- holders	Retail Vendors of Soft Drinks	Fruit, Ice Cream etc.	Fire- arms
Albanian	6	49	—	54	58	—
American	1,344	1,682	62	621	575	5
Arabian	—	1	—	—	—	—
Armenian	11	54	—	118	116	—
Austrian	9	32	—	20	21	—
Belgian	6	1	—	1	1	—
Bohemian	—	1	—	—	—	—
Bulgarian	—	1	—	1	1	—
Canadian	653	140	1	49	51	—
Chinese	—	39	—	—	—	—
Cuban	2	—	—	—	—	—
Czecho Slav	5	—	—	—	—	—
Danish	5	3	—	—	—	—
Dutch	4	1	—	2	2	—
English	98	46	1	34	35	1
Finlander	5	2	—	—	—	—
Fillippino	—	1	—	—	—	—
French	20	9	5	5	6	—
German	36	33	—	11	6	—
Grecian	22	446	4	117	121	—
Hungarian	3	—	—	1	1	—
Irish	470	147	1	104	128	—
Italian	24	366	8	421	394	3
Japanese	1	3	—	—	—	—
Latvian	—	6	—	3	2	—
Lithuanian	5	22	—	47	52	—
Mexican	—	1	—	—	—	—
Norwegian	5	3	—	3	1	—
Polish	58	33	—	67	69	—
Portuguese	12	9	—	7	6	—
Roumanian	1	14	—	6	7	—
Russian	27	389	10	411	423	2
Scotch	51	10	—	8	8	1
South American	1	2	—	—	—	—
Spanish	1	10	1	1	1	—
Swedish	76	17	—	1	3	—
Swiss	2	2	—	—	—	—
Syrian	154	36	—	83	76	—
Turkish	3	26	—	22	26	—
Ukrainian	—	4	—	—	2	—
Welsh	—	—	—	—	—	—
West Indian	22	5	—	4	2	—
	3,142	3,646	93	2,222	2,194	12

EXPENDITURES FROM DECEMBER 1, 1932, TO DECEMBER 1, 1933

Personal Service

Commissioners, Secretary and Permanent Employees	\$23,285.00
Temporary Employees	1,118.49

Services Other than Personal

Printing and binding	165.35
Transportation of Persons	9.65
Light	203.97
Rent	4,500.00
Communication	382.13
Cleaning	3.25
Investigation, etc.	23.35
General plant repairs	231.65

Equipment

Office	582.96
Library	66.50

Supplies

Office	2,260.28
Food and ice	77.08
Laundry, cleaning, etc.	6.50

\$32,916.16

LEGISLATION

Legislation which became effective April 7, Chapter 120 of the Acts of 1933, made an important change in the laws relating to the Board and this Chapter, together with Chapter 284, Acts of 1933, which became effective September 24, made important changes in the laws concerning the licenses granted by it. Said Chapter 120 provided in brief for an Alcoholic Beverage Control Commission and for the manufacture, importation, transportation and sale of wines and malt beverages containing not less than one-half and not more than three and two-tenths per cent of alcohol by weight under a system of licenses or permits, the A. B. C. Commission to have the control and licensing of manufacturing, wholesaling and importing, and local licensing authorities to have the control and licensing of sales to be drunk on the premises and sales at retail not to be drunk on the premises with licenses issued by the local authorities subject to approval by the A. B. C. Commission and with the right of appeal to the Commission by anyone aggrieved by the action of the local authorities. The Act also gave local authorities the right to fix license fees within certain maximums and minimums and, except for certain prohibitions, to regulate the hours of sale.

The situation was such that the sale of the beverages permitted by said Chapter 120 was permissible in Boston on the day the Act was signed. The Federal legislation making this Act possible was so near in point of time to the enactment of Chapter 120 and there was so much doubt until the last moment as to the provisions and scope of Chapter 120, that the Board was unable to make adequate preparations for the issuing of licenses. The first vote of the Board was to provide that all licensees must be registered voters of Boston.

The demand was so great, and the drouth apparently so severe, that a limited number of licenses distributed throughout the city was forthwith granted with but little investigation.

As permitted by the Act, the Board established April 30 as the end of the alcoholic beverage license year.

As also permitted by the Act, all licenses granted without substantial investigation were granted temporarily to July 1. All applications were sent to the police for investigation and report, and a member of the Board or its secretary inspected the premises of and interviewed practically all applicants.

The number of licenses for beverages not to be drunk on the premises was limited by the Act on a population basis to 176 in Boston. This number appeared to be

too few and by amendment the number was increased to 501, of which about 300 were granted before the end of the year. In granting these licenses preference was given to former liquor dealers of good repute. The Board fixed the annual license fee for these licenses at \$300, and the hours of sale from 9 A.M. to 9 P.M. at first, and shortly afterward extended the closing hour to 11 P.M.

These licenses were issued to wholesalers, stores for the sale of beverages only, and to markets and grocery stores. The holders of these licenses gave the Board practically no trouble during the year.

The Act further provided that an unlimited number of licenses might be granted to innholders, common victualers and clubs for the permitted beverages to be drunk on the premises. The Board fixed the annual fee for all these licenses at \$300, and regulated the hours of sale by providing that a common victualer might not sell outside the hours covered by his common victualer license, and that no sales might be made by any licensee between the hours of 1 and 5 A.M. on week days or between 12 o'clock Saturday night and 1 P.M. on Sunday. The Board also exercised its right of curtailing the hours of sale in some places.

The issuing of these licenses to innholders and reputable established clubs caused little trouble but common victualers and newly organized clubs presented more of a problem. Some inactive clubs with old charters also assumed unwonted activity.

Many common victualers could not, in the opinion of the Board, qualify as restaurants under the law, and as such become entitled to malt and wine beverage licenses. The situation came about in this way. Some years ago when food began to be served in many places that were not real restaurants, the Board felt that it was better for the community to require that all sellers of any kind of food to be eaten on the premises take out common victualer licenses, with the consequent right of supervision by the Board and other authorities, although they could not qualify under the law as common victualers.

The Board decided at an early date that no licenses under the Act would be granted to drug stores and few of these stores applied, but nearly all other holders of common victualer licenses applied for malt and wine licenses and many of these did not have the equipment to qualify under Section 3 of said Chapter 120, defining restaurants, and did not serve regular meals. Consequently, with the exception of large and well known restaurants, all applicants were required to appear before the Board, were instructed, and their places of business inspected by some member of the Board or by its secretary. The minimum kitchen requirements established are a 4-burner gas stove with oven, a sink, hot water, a refrigerator, and some general food.

Some licensees have insisted with apparent truth that sandwiches were all the food desired by their patrons. In such cases, the Board has encouraged and advised, and sometimes ordered, that more kinds of food be prepared and advertised, and this has met with considerable but not entire success. Some discipline has been necessary, but on the whole common victualer malt and wine licensees have given the Board very little trouble since their licenses were issued. Only one such license has been revoked. These licenses have been issued freely, have been popular, and with very few undesirable results.

The Act provides that the permitted beverages may not be drunk by patrons while standing. It seemed to the Board that it would help a licensee to enforce this provision if all bars or counters at which food or these beverages were served were equipped with fixed stools. It therefore required that this be done, and both licensees and patrons seem pleased with the result. These beverages are not allowed to be sold from or at a soda fountain.

With the coming of malt and wine beverages, several clubs were organized for alleged social or other lawful purposes, and various older clubs of similar purport took on new leases of life, and applied for malt and wine licenses, and in some cases it was very difficult to determine whether the licenses ought to be granted. Most of these clubs were composed of and were for men only.

Some applications were rejected and the places became alleged speakeasies, but if the officers of the club were apparently respectable, and the club quarters reasonably adequate with no evidence of intended exclusion of the authorities, a license was granted. In connection with the granting of the license, the principal officers

were required to appear before the Board with their records and books of account, and to give information as to what the club actually did or proposed to do.

The Board was and still is skeptical as to the principal purpose of some of these clubs, but complaints have been few and only one club license has been revoked.

Another class of clubs merits attention. During the past year or two several so-called night clubs have been organized for the principal apparent purpose of furnishing food and entertainment, principally dancing, for their members and guests. Some of these clubs have borne a good general reputation, others have not. None of these clubs held any kind of license from the Board until after September 24, 1933. On that date Chapter 284 of the Acts of 1933 became effective, which chapter in substance provides that a club which dispenses food or beverages to its members must take out a club victualer license. Shortly after September 24, some of these clubs applied for and received club victualer licenses, a condition of which is that the club premises shall be subject to inspection by the authorities at any time.

At various times during the year the Board gathered from newspaper reports, and from statements made to its members, that conditions in some of these clubs were not what they should be, but neither before nor after said September 24 were any complaints made to it or any statements implying illegal or improper conduct made to any member of the Board by persons willing to testify.

In the latter part of the year the prospect of the repeal of the 18th amendment and the expected passage by the Legislature of an Act making possible the sale of all alcoholic beverages engaged the active attention of the Board.

Applications for any probable kind of alcoholic beverage license were prepared and from and after November 22 given to applicants, and as applications were made out and filed with the Board, they were sent to the police for investigation and report. In anticipation that most of the holders of malt and wine licenses would apply for all alcoholic beverage licenses, the members of the Board or their secretary, beginning in October, inspected the premises of practically all holders of malt and wine licenses.

The granting of malt and wine licenses, and consequent supervision of the licensees, and the preparations for the granting of all alcoholic licenses, rather overshadow what has been the regular work of the Board since prohibition, but that work was carried on as usual and is shown in the detailed statement.

In connection with the regular work, one ruling of the Board may be of more than passing importance. The law provides that revolvers and certain other firearms may be sold only to a person who has a permit to buy, and who appears in person and takes delivery of the weapon. A revolver was sold by a Boston dealer to a person in New York State, and delivered there. This weapon later appeared in a hold-up in the State of Washington and was traced to the Boston dealer. He claimed that the law requiring personal appearance and delivery did not apply to shipments outside the state, but the Board ruled that appearance of the buyer and personal delivery to him applied to all sales of restricted weapons.

The Board continues to hear all who wish to be heard and takes no summary action without an opportunity for a hearing.

It has harmonious and satisfactory relations with the Police Department, City Departments, and with the Alcoholic Beverages Control Commission. Very few appeals have been taken from the Board to the Commission and the Board has not thus far been overruled.

DAVID T. MONTAGUE,
ARTHUR J. SELFIDGE,
MARY E. DRISCOLL,

Licensing Board for the City of Boston.

The Commonwealth of Massachusetts

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OF THE

LICENSING BOARD

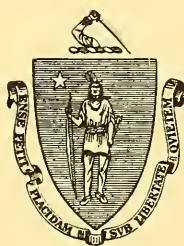
FOR THE

CITY OF BOSTON

FOR THE

YEAR ENDING NOVEMBER 30

1934



PUBLICATION OF THIS DOCUMENT APPROVED BY COMMISSION ON ADMINISTRATION AND FINANCE

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LICENSING BOARD FOR THE CITY OF BOSTON

December 1, 1934

TO HIS EXCELLENCY JOSEPH B. ELY, *Governor of the Commonwealth of Massachusetts*

Sir:—The Licensing Board for the City of Boston respectfully submits its twenty-ninth annual report covering the year ending November 30, 1934.

PERSONNEL OF THE BOARD

David T. Montague, Chairman, and Mary E. Driscoll, constitute the Board at present, Arthur J. Selfridge, long a valued member of the Board, having passed away September 28, 1934.

FINANCIAL

Receipts and Disbursements for the year ending November 30, 1934:	
Alcoholic Beverages Licenses	\$1,421,426.85
Miscellaneous Licenses	40,756.91
Miscellaneous Receipts	314.80
Denatured Alcohol Licenses	3.00
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	\$1,462,501.56
Expenses of the Board, salaries, light, rent, etc.	37,728.71
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Excess receipts over expenditures	\$1,424,772.85

LICENSES GRANTED BY THE BOARD

Alcoholic Beverages	2,442
Retail Druggists	268
Third Class Druggist	1
Denatured Alcohol	3
Innholders and Common Victualers	3,102
Club Victualers	10
Entertainment required by Chapter 299, Acts of 1926	1,036
Lodging Houses	2,954
Sunday sale of ice cream, confectionery, soda water and fruit	2,116
Soft drinks	1,993
Billiard and pool tables and bowling alleys	253
Intelligence Offices	116
Sales of firearms	14
Ferris wheels, etc.	3
Picnic Groves	4
Roller Skating Rinks	2
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	14,317

Total number of applications acted on during the year:

Granted, 14,317 Rejected, 1,067 Total, 15,384

Formal Hearings, Alcoholic Beverages Applications and Licenses	454
Formal Hearings, Miscellaneous Licenses	552
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Total Hearings 1,006

ALCOHOLIC BEVERAGES, HEARINGS ON COMPLAINTS

Kind of License	Number of Licenses	Action Taken
Innholders	1	Dismissed
Innholders	1	Granted after hearing
Innholders	1	Suspended one day
Innholders	1	Suspended three days
Innholders	1	Suspended indefinitely
Innholders	2	Placed on file, warned
Common victualers	19	Revoked
Common victualers	13	Revoked, but revocation suspended
Common victualers	14	Dismissed
Common victualers	86	Placed on file, warned
Common victualers	32	Granted after a hearing
Common victualers	32	Rejected after a hearing
Common victualers	9	Suspended two days
Common victualers	5	Suspended three days
Common victualers	14	Suspended one week
Common victualers	3	Suspended two weeks
Common victualers	9	Suspended indefinitely
Common victualers	4	Suspended, balance of license year
Common victualers	42	Restrictions imposed
Retail bottle stores	3	Revoked
Retail bottle stores	2	Revoked, but revocation suspended
Retail bottle stores	4	Dismissed
Retail bottle stores	9	Placed on file, warned
Retail bottle stores	4	Granted after a hearing
Retail bottle stores	2	Rejected after a hearing
Retail bottle stores	1	Suspended two days
Retail bottle stores	3	Suspended three days
Clubs	1	Revoked
Clubs	3	Dismissed
Clubs	16	Granted after a hearing
Clubs	8	Rejected after a hearing
Clubs	1	Suspended three days
Clubs	4	Suspended one week
Clubs	5	Suspended indefinitely
Clubs	18	Restrictions imposed
Clubs	3	Placed on file
Taverns	2	Revoked
Taverns	2	Revoked, but revocation suspended
Taverns	20	Placed on file, warned
Taverns	16	Granted after a hearing
Taverns	10	Rejected after a hearing
Taverns	1	Suspended two days
Taverns	8	Suspended, balance of license year
Taverns	3	Dismissed
Druggists	1	Revoked, but revocation suspended
Druggists	1	Dismissed
Druggists	5	Placed on file
Druggists	3	Granted after a hearing
Druggists	1	Suspended three days
Druggists	2	Suspended one week
Druggists	1	Suspended three weeks
Druggists	2	Suspended one month

MISCELLANEOUS HEARINGS ON COMPLAINTS

Innholders	1	Revoked
Innholders	3	Dismissed
Innholders	1	Placed on file
Entertainment	7	Revoked
Entertainment	2	Revoked, but revocation suspended
Entertainment	10	Placed on file
Entertainment	9	Dismissed
Entertainment	11	Granted after a hearing
Entertainment	4	Rejected after a hearing
Entertainment	3	Suspended three weeks
Entertainment	21	Restrictions imposed
Common victualers	25	Revoked
Common victualers	18	Revoked, but revocation suspended
Common victualers	59	Placed on file
Common victualers	15	Dismissed
Common victualers	34	Granted after a hearing
Common victualers	29	Rejected after a hearing
Common victualers	4	Suspended three days
Common victualers	4	Suspended one week
Common victualers	4	Suspended two weeks
Common victualers	1	Suspended three weeks
Common victualers	5	Suspended indefinitely
Common victualers	5	Withdrawn
Common victualers	38	Restrictions imposed
Common victualers	1	Suspended, balance of license year

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MISCELLANEOUS HEARINGS ON COMPLAINTS—*Continued*

Kind of License	Number of Licenses	Action Taken
Common victualers	2	Given 7-day privilege after hearing
Common victualers	3	Forfeited
Club victualers	2	Rejected after a hearing
Lodging houses	3	Revoked
Lodging houses	1	Revoked, but revocation suspended
Lodging houses	5	Placed on file
Lodging houses	20	Dismissed
Lodging houses	12	Granted after a hearing
Lodging houses	1	Suspended two weeks
Lodging houses	1	Withdrawn
Fruit, etc.	12	Revoked
Fruit, etc.	9	Revoked, but revocation suspended
Fruit, etc.	9	Placed on file
Fruit, etc.	8	Dismissed
Fruit, etc.	28	Granted after a hearing
Fruit, etc.	4	Rejected after a hearing
Fruit, etc.	1	Suspended one day
Fruit, etc.	8	Suspended one week
Fruit, etc.	3	Suspended two weeks
Fruit, etc.	1	Suspended indefinitely
Fruit, etc.	9	Forfeited
Beverages	11	Revoked
Beverages	10	Revoked, but revocation suspended
Beverages	6	Placed on file
Beverages	8	Dismissed
Beverages	16	Granted after a hearing
Beverages	2	Rejected after a hearing
Beverages	9	Suspended one week
Beverages	2	Suspended two weeks
Beverages	4	Miscellaneous
Beverages	7	Forfeited
Pool	1	Revoked
Pool	9	Placed on file
Pool	1	Dismissed
Pool	5	Granted after a hearing
Pool	1	Rejected after a hearing
Pool	2	Suspended one week
Pool	1	Withdrawn
Pool	1	Forfeited

RECAPITULATION

December 1, 1933 to December 1, 1934

Alcoholic Beverages	Miscellaneous
Revoked	25
Revoked, but revocation suspended	18
Suspended	76
Placed on file	125
Granted after hearing	72
Rejected after hearing	52
Dismissed	26
Restrictions imposed	60
Total	454
Revoked	60
Suspended	49
Revoked, but revocation suspended	40
Placed on file	99
Granted after hearing	106
Rejected after hearing	42
Dismissed	64
Restrictions imposed	59
Withdrawn	7
Forfeited	20
Given 7-day privilege after hearing	2
Miscellaneous	4
Total	552

COMMON VICTUALERS (ALCOHOLIC BEVERAGES)

General Laws, Chapter 138, Section 12

Applications filed		1,353
Applications granted	1,101	
All alcoholic	397	
Malt and Wine	188	
Malt	515	
	1,100	
Tavern changed to Common Victualer All,	1	
(no fee)		
	1,101	

Places licensed	982	
Cancelled for non-payment	75	
Cancelled by Board	21	
Reconsidered and rejected	4	
Revoked	21	
Revocations restored by Alcoholic Beverages Control Commission	2	
	<hr/>	1,101
Rejected	166	
Withdrawn	86	
Transfers	74	
Reconsidered and granted	23	
Granted on trial to May 1:		

All alcoholic, 34

Malt, 2

Extended for balance of year: 31 all alcoholic; 2 malt.

No extension applied for: 3 all alcoholic.

Granted to July 15: 1 Malt and Wine.

Change of class:

Malt to All Alcoholic, 14

Malt and Wine to All Alcoholic, 41

Malt to Malt and Wine, 4

Appeals from the decision of the Board to the Alcoholic Beverages

Control Commission 88

Sustained 30

Denied 25

Dismissed 19

Withdrawn 14

88

(Changes by the Board)

Common Victualer All-Alcoholic to Tavern All Alcoholic . . . 10

Common Victualer Malt and Wine to Tavern All Alcoholic . . . 2

Common Victualer Malt Only to Tavern All Alcoholic . . . 1

Common Victualer Malt and Wine to Tavern Malt and Wine . . . 3

Common Victualer Malt to Tavern Malt 14

(Changed back by Alcoholic Beverages Control Commission)

Tavern All Alcoholic to Common Victualer All Alcoholic . . . 3

Tavern Malt to Common Victualer Malt 1

(Rejected Petitions)

Malt Common Victualer petitioning for Tavern All Alcoholic . . . 3

Malt and Wine Common Victualer petitioning for Tavern All Alcoholic 1

Fees (Common Victualer—Alcoholic Beverages)

Fees Payable

All Alcoholic	108 @	\$1,200	\$129,600
All Alcoholic	2 @	1,150	2,300
All Alcoholic	2 @	1,125	2,250
All Alcoholic	275 @	1,100	302,500
All Alcoholic	1 @	1,000	1,000
All Alcoholic to May 1	1 @	450	450
All Alcoholic to May 1	2 @	400	800
Malt and Wine	42 @	500	21,000
Malt and Wine	4 @	450	1,800
Malt and Wine	147 @	400	58,800
Malt and Wine	1 @	350	350
Malt and Wine to July 15	1 @	270.85	270.85

	6			
Malt Only	173 @	300	51,900	
Malt Only	2 @	275	550	
Malt Only	5 @	250	1,250	
Malt Only	9 @	225	2,025	
Malt Only	325 @	200	65,000	
<i>Gross Fees</i>	1,100		\$641,845.85	
<i>Cancelled for Non-Payment</i>				
All Alcoholic	2 @	\$1,200	\$2,400	
All Alcoholic	2 @	1,100	2,200	
(Additional Fee on Change from Malt to All Alcoholic)	1 @	900	900	
(Balance on extensions of all alcoholic license from May 1	3 @	800	2,400	
Malt and Wine	13 @	500	6,500	
Malt and Wine	1 @	450	450	
Malt and Wine	20 @	400	8,000	
Malt Only	17 @	300	5,100	
Malt Only	1 @	250	250	
Malt Only	14 @	200	2,800	
(Additional fee on change from Malt to All Alcoholic to May 1)	1 @	100	100	
	75		\$31,100	
<i>Reconsidered and Rejected</i>				
All Alcoholic	1 @	1,200	1,200	
Malt and Wine	1 @	400	400	
Malt Only	2 @	300	600	
Deductions	4		\$2,200	\$33,300
			\$641,845.85	
			33,300.00	
Net fees collected				\$608,545.85
The fees fixed by the Board were as follows:				
All alcoholic license			\$1,200	
Malt and Wine license			500	
Malt License			300	

TABLE 3—TAVERNS
Section 12, Chapter 138, General Laws

Applications filed			403
Applications granted		243	
All Alcoholic	198		
Malt and Wine	1		
Malt	10		
Changed from Common Victualer	30		
	239		
(Granted to May 1 and extended	3		
See Changed back by Alcoholic Beverages Control Commission from Tavern to Common Victualer all alcoholic	3		
From Tavern to Common Victualer Malt	1		
	243		

Places licensed	225
Cancelled:	14
Surrendered	2
Non-payment of fee	12
Rejected	113
Revoked	2
Revocations restored by Alcoholic Beverages Control Commission	2
Transferred	9
Reconsidered and granted	17
Withdrawn	47

Changes by Board

Common Victualer all aleoholic to Tavern all aleoholic	10
Common Victualer malt and wine to Tavern all aleoholic	2
Common Victualer malt to Tavern all aleoholic	1
Common Victualer malt to wine to Tavern malt and wine	3
Common Victualer malt to Tavern malt	14

Changed back by Alcoholic Beverages Control Commission

Tavern all aleoholic restored to Common Victualer all aleoholic	3
Tavern malt restored to Common Victualer malt	1

Rejected Petitions

Malt Common Victualer petitioning for Tavern all aleoholic	3
Malt and Wine Common Victualer petitioning for Tavern all aleoholic	1

*Appeals from decision of the Board to Alcoholic Beverages Control
Commission*

Sustained	20
Denied	2
Dismissed	1
	<hr/>
	23

Fees

All aleoholic	109 @	\$1,000	\$109,000
All aleoholic	1 @	950	950
All aleoholic	5 @	925	4,625
All aleoholic	6 @	900	5,400
All aleoholic	3 @	800	2,400
All aleoholic	8 @	750	6,000
All aleoholic	22 @	700	15,400
All aleoholic	10 @	600	6,000
All aleoholic	37 @	500	18,500
All aleoholic	1 @	450	450
All aleoholic	3 @	250	750
Malt	10 @	300	3,000
Malt	1 @	250	250
	<hr/>		
	216		\$172,725
27 changes (no fee), 12 non-payment of fee			9,450
			<hr/>
Fees collected			\$163,275

Non-payment of Fees

All alcoholic	4 @	\$1,000	\$4,000
All alcoholic	1 @	900	900
All alcoholic	4 @	700	2,800
All alcoholic	2 @	500	1,000
All alcoholic	*1 @	750	750
			<hr/>
			\$9,450

*This non-payment for extension balance year

The fees fixed by the Board were as follows:

All Alcoholic	\$1,000
Malt and Wine	500
Malt	300

These fees were later in the year changed as follows:

All Alcoholic	750
Malt and Wine	500
Malt	300

TABLE 4. ONE-DAY SPECIAL ALCOHOLIC LICENSES
Section 14, Chapter 138, General Laws

Applications granted	234	
Places licensed	221	
Cancelled for non-payment of fee	10	
Licenses unpaid	3	
Fees collected		\$615
The fee fixed by the Board varies according to the number of people to be served		

SPECIAL ALCOHOLIC LICENSES FOR LESS THAN 1 YEAR
Section 14, Chapter 138, General Laws

Applications granted	5	
Fees collected		\$1,665
The fees fixed by the Board vary according to the number of days used and the number of people present at the gatherings		

TABLE 5. INNHOLDERS (ALCOHOLIC BEVERAGES)
Section 12, Chapter 138, General Laws

Licenses applied for		49
Applications granted		45
Applications rejected		1
Applications withdrawn		3
Fees:		
31 @ \$1,900	\$58,900	
12 @ 2,000	24,000	
1 @ 750	750	
1 @ 400	400	
		<hr/>
		\$84,050
Cancelled for non-payment:		
3 @ \$2,000	\$6,000	
1 @ 750	750	
1 @ 400	400	
		<hr/>
		\$7,150
Net fees collected		\$76,900
The fees fixed by the Board are as follows:		
All alcoholic license	\$2,000	
Malt and wine license	750	
Malt license	400	

TABLE 6. RETAIL PACKAGE GOODS STORES
Section 15, Chapter 138, General Laws

Applications filed	.	.	.	.	.	.	.	.	.	.	894
Applications granted	.	.	.	.	.	.	.	.	.	.	460

A. By Licensing Board

307 (All)

30 (Malt and Wine)

51 (Malt)

B. On appeals to the Alcoholic
Beverages Control Commission

*72 (All)

*Of those granted on appeals to Alcoholic Beverages Control Commission

Cancelled	76
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A. For Licensing Board

4 (All)

1 (Malt and Wine)

1 (Malt)

B. For non-payment of fee

Of those granted by Board

26 (All)

12 (Malt and Wine)

5 (Malt)

27 (All)

Rejected	371
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Revoked	3
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Transferred	61 (All)	1 (Malt and Wine)	3 (Malt)	65
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Withdrawn	63
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Places operating November 30, 1934

Of those granted by Board

277 (All)

17 (Malt and Wine)

45 (Malt)

Of those granted by Alcoholic

Beverages Control Commission

42 (All)

Fees A. All Alcoholic Beverages

205 @ \$1,400 \$287,000

4 @ 1,350 5,400

168 @ 1,300 218,400

1 @ 1,200 1,200

1 @ 1,150 1,150

\$513,150

B. Malt and Wines

11 @ 600 6,600

19 @ 500 9,500

\$16,100

C. Malt

5 @ 300 1,500

1 @ 225 225

45 @ 200 9,000

\$10,725

Cancelled for non-payment

A. All Alcoholic

46 @	1,400	.	.	.	.	.	.	\$64,400
1 @	1,350	.	.	.	.	.	.	1,350
6 @	1,300	.	.	.	.	.	.	7,800

\$73,550

B. Malt and Wine

8 @	600	.	.	.	.	.	.	4,800
4 @	500	.	.	.	.	.	.	2,000

\$6,800

C. Malt

2 @	300	.	.	.	.	.	.	600
3 @	200	.	.	.	.	.	.	600

\$1,200

Net fees collected \$458,425

Recapitulation

Applications granted	<i>All</i>	<i>Malt and Wine</i>	<i>Malt</i>
By Board	307	30	51
By Alcoholic Beverages Control Commission	72	—	—
	<hr/> 379	<hr/> 30	<hr/> 51
Cancelled	57	13	6
	<hr/> 322	<hr/> 17	<hr/> 45

Fees received

All Alcoholic	\$439,600
Malt and Wine	9,300
Malt	9,525

Total fees paid into City Treasury \$458,425

The fees fixed by the Board were as follows:

For an all alcoholic license	\$1,400
For a malt and wine license	600
For a malt license	300

TABLE 7. CLUBS (ALCOHOLIC BEVERAGES)
Section 12, Chapter 138, General Laws

Applications filed	94
Applications granted:	
*All Beverages	72
Malt and Wine	2
Malt	8
	<hr/> 82
Cancelled	
Surrendered	1
For non-payment of fee	3
Expired May 1	4
Transferred	1
Revoked	4
Revoked	1
Rejected	9
Withdrawn	3

TABLE 9—(2). RECAPITULATION

Class	Granted	Can- celled	Re- jected	With- drawn	Classif- ication	Charged Orig. Appli- cations	Paid for	Fees Rec'd
Innholder	45	5	1	3	0	49	40	\$76,900.00
All alcoholic	43	3	—	—	—	—	40	
Malt and wine	1	1	—	—	—	—	—	
Malt	1	1	—	—	—	—	—	
Common Victualers	1,101	96	4	86	59	1,353	1,022	608,545.85
All alcoholic	398	—	—	—	—	—	382	
Malt and wine	188	—	—	—	—	—	160	
Malt	515	—	—	—	—	—	480	
Taverns	243	14	113	47	34	403	204	163,275.00
All alcoholic	211	—	—	—	—	—	193	
Malt and wine	6	—	—	—	—	—	—	
Malt	26	—	—	—	—	—	11	
Package Stores	460	76	371	63	0	894	384	458,425.00
All alcoholic	379	57	—	—	—	—	322	
Malt and wine	30	13	—	—	—	—	17	
Malt	51	6	—	—	—	—	45	
Clubs	82	4	9	3	0	94	79	41,200.00
All alcoholic	72	—	—	—	—	—	72	
Malt and wine	2	—	—	—	—	—	1	
Malt	8	—	—	—	—	—	6	
Special Licenses	239	10	—	—	0	239	213	2,280.00
Total								<u>\$1,350,625.85</u>
Druggists	269	43	—	30		299	237	70,801.00
Denatured Alcohol	3	—	—	—		3	3	3.00
Grand Total								<u>\$1,421,429.85</u>

Statute provides for not more than 1000 all alcoholic.

Innholders	40
Common Victualers	382
Taverns	193
Total all alcoholic under Section 12 operating	615

Statute provides for not more than 350 Package Stores selling all alcoholic beverages.

Total Package Stores in operation	322
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TABLE 9—(3). FEES ESTABLISHED BY THE BOARD

	All Alcoholic	Malt and Wine	Malt
Innholders	\$2,000	750	400
Common Victualers	1,200	500	300
Clubs	600	400	300
Package Stores	1,400	600	300
Druggists	300	—	—
Taverns	1,000	500	300
(Changed during year to)	750	500	300

Miscellaneous Licenses

TABLE 10. COMMON VICTUALERS AND INNHOLDERS

Common Victualers

Applications granted	3,029
Places licensed	2,530
Cancelled	474
Surrendered	342
Non-payment of fee	132
Rejected	244
Revoked	25
Transferred	98
Withdrawn	37
Fees collected	\$10,240.14

Of the licenses granted, 30 were for dining cars, 29 of which are in actual operation.

1 (1933) license paid; 3 (1934) licenses unpaid.

Innholders

Applications granted	.	.	.	.	.	.	.	73
Places licensed	.	.	.	.	.	.	.	64
Cancelled:	.	.	.	.	.	.	.	8
Surrendered	.	.	.	.	.	.	7	
Non-payment of fees	.	.	.	.	.	.	1	
Rejected	.	.	.	.	.	.	.	1
Revoked	.	.	.	.	.	.	.	1
Transferred	.	.	.	.	.	.	.	2
Withdrawn	.	.	.	.	.	.	.	1
Fees collected	.	.	.	.	.	.	.	\$254.79

The fee is fixed by statute. Prior to May 1, 1934, the fee was \$5.00; changed by law so that from May 1, 1934, until December 31, 1934, the fee was \$3.33. This applies to Common Victualers as well.

Club Victualers

Applications granted	.	.	.	.	.	.	.	10
Places licensed	.	.	.	.	.	.	.	12
Cancelled	.	.	.	.	.	.	.	9
Surrendered	.	.	.	.	.	.	5	
Non-payment of fee	.	.	.	.	.	.	4	
Rejected	.	.	.	.	.	.	.	1
Withdrawn	.	.	.	.	.	.	.	1
Fees collected	.	.	.	.	.	.	.	\$21.65

TABLE 11. LODGING HOUSES

Applications granted	.	.	.	.	.	.	.	2,954
Places licensed	.	.	.	.	.	.	.	2,724
Cancelled	.	.	.	.	.	.	.	227
Surrendered	.	.	.	.	.	.	154	
Non-payment of fee	.	.	.	.	.	.	73	
Rejected	.	.	.	.	.	.	.	51
Revoked	.	.	.	.	.	.	.	3
Transferred	.	.	.	.	.	.	.	102
Withdrawn	.	.	.	.	.	.	.	3
Fees collected	.	.	.	.	.	.	.	\$5,766

The fee established by the City is \$2, 2 (1933) licenses paid.

TABLE 12. FRUIT, ETC.

Applications granted	.	.	.	.	.	.	.	2,116
Places licensed	.	.	.	.	.	.	.	1,871
Cancelled	.	.	.	.	.	.	.	233
Surrendered	.	.	.	.	.	.	133	
Non-payment of fee	.	.	.	.	.	.	100	
Rejected	.	.	.	.	.	.	.	23
Revoked	.	.	.	.	.	.	.	12
Transferred	.	.	.	.	.	.	.	50
Withdrawn	.	.	.	.	.	.	.	33
Fees collected	.	.	.	.	.	.	.	\$10,070

*2 unpaid licenses.

The fee is established by law at \$5.

TABLE 13. SOFT DRINKS

Applications granted	.	.	.	.	.	.	.	1,993
Places licensed	.	.	.	.	.	.	.	1,783
Cancelled	.	.	.	.	.	.	.	199
Surrendered	.	.	.	.	.	.	116	
Non-payment of fee	.	.	.	.	.	.	83	
Rejected	.	.	.	.	.	.	.	25
Revoked	.	.	.	.	.	.	.	11
Transferred	.	.	.	.	.	.	.	36
Withdrawn	.	.	.	.	.	.	.	28
Fees collected	.	.	.	.	.	.	.	\$1,909

*1 unpaid license

The fee is established by law, not to exceed \$1.

TABLE 14. BILLIARD, POOL AND BOWLING ALLEYS

Applications granted	.	.	.	.	.	.	.	253
Places licensed	.	.	.	.	.	.	.	201
Clubs licensed	.	.	.	.	.	.	.	26
Cancelled:								
Board	.	.	.	.	.	.	13	
Non-payment	.	.	.	.	.	.	9	
Rejected	.	.	.	.	.	.	.	12
Transferred	.	.	.	.	.	.	.	11
Revocations	.	.	.	.	.	.	.	1
Rejected transfer	.	.	.	.	.	.	.	1
Additional	.	.	.	.	.	.	.	3

Number of Tables and Alleys

Billiard	Pool	Bowling Alleys	
219	843	640	\$8,510
Cancelled—Tables and Alleys			
6	24	11	205

Fees collected (Net)

\$8,305

The fee established by the Board is \$5 for each table and alley.

TABLE 15. INTELLIGENCE OFFICES

Applications granted	.	.	.	.	.	.	.	116
Places licensed	.	.	.	.	.	.	.	107
Cancelled:								
Board C-2	.	.	.	.	.	.	1	
Non-payment C-1	.	.	.	.	.	.	1	
C-2	.	.	.	.	.	.	1	
Transfers	.	.	.	.	.	.	.	10
Withdrawn	.	.	.	.	.	.	.	9
Fees Collected (Net)	.	.	.	.	.	.	.	\$3,907
Of Applications Granted:								
Class 1—55 @ \$50	.	.	.	.	.	.	.	\$2,750
Class 2—48 @ 25	.	.	.	.	.	.	.	1,200
Class 3—16 @ 2	.	.	.	.	.	.	.	32

Gross Amount

\$3,907

6 licensed premises held two classes of licenses.

The fees established by the Board are \$50 for a first class license, \$25 for a second class license, and \$2 for a free employment office license.

TABLE 16. PICNIC GROVES

Applications granted	.	.	.	.	.	.	.	4
Places licensed	.	.	.	.	.	.	.	4
Fees collected	.	.	.	.	.	.	.	\$20.00

Fee established by Board, \$5.00

ROLLER SKATING RINKS

Applications granted	2	
Places licensed	2	
Rejected	1	
Withdrawn	1	
Fees collected		\$50.00
Fee established by Board, \$25.00		

MERRY-GO-ROUNDS, ETC.

Applications granted	3	
Places licensed	3	
Rejected	4	
Fees collected		\$140.00
Fee established by Board \$5.00 each day for each ride, etc.		

TABLE 17. FIREARMS

Applications granted	14	
Places licensed	13	
Cancelled:		
Surrendered	1	
Fees collected		\$70.00
The fee established by the Board is \$5.00		

TABLE 18. ENTERTAINMENT

Applications granted:		
Innholders	42	
Common victualers	985	
Soft drinks	1	
Clubs	8	
Cancelled:		
Surrendered—Common victualers	37	
Rejected:		
Common victualers	38	
Clubs	3	
Pool	1	
Revoked:		
Common victualers	7	
Transferred:		
Innholder	1	
Common victualers	6	
Withdrawn:		
Common victualer	1	
Places in operation	992	
Fees collected		\$3.33

Under Chapter 299 Acts of 1926 no fee is collectible from persons having an innholder or common victualer license

TABLE 19. MISCELLANEOUS RECEIPTS

Recording fee	\$1.00	
Sale of Firearms books	20.70	
Sale of Lists of Liquor Licenses	267.10	
Sale of old desks	26.00	
		\$314.80

Totals amount received and paid into the treasury on account of miscellaneous licenses and receipts \$41,071.71

TABLE 20. HOLDERS OF LICENSES ARRANGED ACCORDING TO NATIVITY

	Lodging Houses	Common Victualers	Inn- holders	Retail Vendors of Soft Drinks	Fruit, Ice Cream etc.	Fire- arms
Albanian	6	40	—	52	55	—
American	1,256	1,689	66	534	515	7
Arabian	—	—	—	—	—	—
Armenian	12	27	—	117	119	—
Austrian	18	21	—	13	16	—
Belgian	6	1	—	1	1	—
Bohemian	—	1	—	—	—	—
Canadian	626	99	1	33	35	—
Chinese	—	21	—	—	—	—
Czecho Slav	4	—	—	—	—	—
Danish	3	2	—	—	—	—
Dutch	2	1	—	1	1	—
Egyptian	—	1	—	—	—	—
English	105	26	—	28	32	2
Finlander	6	1	—	—	—	—
French	17	8	2	4	6	—
German	28	37	—	17	10	—
Grecian	21	307	2	86	110	—
Hawaiian	—	1	—	—	—	—
Hungarian	—	—	—	—	—	—
Irish	463	234	—	94	106	—
Italian	22	305	9	363	369	3
Japanese	1	2	—	—	—	—
Latvian	—	3	—	2	2	—
Lithuanian	5	28	—	48	48	—
Norwegian	4	4	—	1	1	—
Polish	56	50	—	45	49	—
Portugese	16	6	—	5	4	—
Roumanian	—	9	—	3	5	—
Russian	20	338	5	381	429	2
Scotch	55	9	—	4	6	—
Serbian	—	2	—	—	—	—
South American	1	—	—	—	—	—
Spanish	—	6	1	—	—	—
Swedish	81	17	—	3	1	—
Swiss	1	—	—	—	—	—
Syrian	143	30	—	77	83	—
Turkish	3	22	—	14	20	—
Ukrainian	—	1	—	1	1	—
West Indian	20	3	—	1	1	—
Total	3,001	3,352	86	1,928	2,025	14

TABLE 21. EXPENDITURES FROM DECEMBER 1, 1933 TO DECEMBER 1, 1934

Personal Service

Commissioners, Secretary and Permanent Employees	\$24,755.95
Temporary Employees	874.57

Services other than Personal

Printing and binding	123.90
Transportation of persons	105.35
Light	354.79
Rent	4,500.00
Communication	377.45
Cleaning	5.01
Investigation, etc.	1,092.38
General plant repairs	117.62

Equipment

Office	1,978.17
Library	128.75

Supplies

Office	3,184.13
Food and ice	100.19
Laundry, cleaning, etc.	30.45

 \$37,728.71

LEGISLATION

Legislation, Federal and State, enacted in this fiscal year, was the most important to licensing authorities of any ever enacted in any one year.

In anticipation of the repeal of the Eighteenth Amendment the Massachusetts Legislature met in special session on November 8, 1933, and by appropriate legislation provided for licensing the manufacture, importing and distribution of alcoholic beverages, and classified and defined the premises on which alcoholic beverages might be sold for consumption thereon, namely, hotels, restaurants, clubs, and taverns.

The Legislature also provided for local option as to the retail sale of such beverages and provided further that pending the action of the voters, the Mayor of a city, or the Selectmen of a town, might authorize the retail sale of alcoholic beverages except in taverns. The sale in Boston was so authorized by His Honor, Mayor James M. Curley, on December 5, 1933.

It was further provided that the manufacture, importing, wholesaling and transportation should be licensed and controlled by the Alcoholic Beverages Control Commission and that the retailing, by package and drug stores, hotels, restaurants, taverns, and clubs, should be licensed and controlled by the local licensing authorities, the Commission to have general supervision of the conduct of the liquor business, and that all licenses granted should be subject to its approval, Chapters 373, 374, and 376 of the Acts of 1933. These laws took effect on the repeal of the Eighteenth Amendment.

The repeal of the Eighteenth Amendment took effect December 5, 1933.

Said Chapter 376 became by substitution Chapter 138 of the General Laws and as amended by various acts of 1934 is the law governing the retail sale of alcoholic beverages.

WORK OF THE BOARD

The details of the work appear in the tables.

About October 1, 1933, the repeal of the Eighteenth Amendment and the passage of liquor legislation by the state legislature seemed possible, and the members of the Board with its secretary proceeded to inspect the premises of practically all the holders of 3.2% beer and wine licenses issued under Chapter 120 of the Acts of that year.

Applications for any probable kind of retail liquor license were prepared and on and after November 22 given to applicants and sent to the police for investigation. As these applications were returned, they were informally passed upon by the Board and temporary licenses prepared for those approved, so that at four-thirty P.M. December 5, the day and hour when it became legally possible to grant licenses, the Board was ready to grant and did grant on that day about 200 licenses and within the next three days several hundred more.

As permitted by law, the fees fixed by the Board were:

Package Store licenses, all alcoholic	\$1,400
Package Store licenses, malt and wine	500
Package Store licenses, malt only	300
Innholders, all alcoholic	2,000
Innholders, malt and wine	750
Innholders, malt only	400
Common victualers, all alcoholic	1,200
Common victualers, malt and wine	500
Common victualers, malt only	300
Clubs, all alcoholic	600
Clubs, malt and wine	400
Clubs, malt only	300
Taverns, all alcoholic	1,000
Taverns, malt and wine	500
Taverns, malt only	300
Drug licenses	300

On January 29, 1934, it became legal to grant tavern licenses, and they were first granted on that date.

By Chapter 385 of the Acts of 1934, which took effect June 30, the Legislature fixed the maximum fee for all alcoholic tavern licenses at \$750, and the Board fixed that sum as the fee for tavern licenses thereafter issued.

The number of all alcoholic package licenses permitted by law in Boston is 350. The number of applications for this type of license received prior to December 16 was 852. By law only 80% of 350 could be granted if there were more applications and appeals pending than enough to make up the quota. Consequently the Board granted 80% of 350 and on December 16 rejected without prejudice all pending applications. Rejected applicants so disposed appealed to the Alcoholic Beverages Control Commission and the Commission sustained enough of the appeals to make up the quota.

As permitted by law, some licensees of all kinds were granted temporary licenses to May 1, and at that time extended for the balance of the year if conditions appeared to warrant.

The days and the maximum hours of sale are fixed by law for all classes of licenses and the Board made no change in these hours for Package Stores and Taverns, but the maximum hours fixed by law for Innholders, Common Victualers and Clubs, 8 A.M. to 2 A.M., seemed to the Board too liberal.

The Board therefore restricted the sale by these licensees to 1 A.M. on week days and not until after 1 P.M. on Sunday.

The law now forbids the sale between 2 A.M. and 1 P.M. on Sunday.

More restrictive hours have also been established in special cases and sometimes no sale at all on Sunday is permitted.

The Board adopted various regulations from time to time during the year. It came to the attention of the Board that some licensed Restaurants and Taverns were selling hard liquor by the bottle not necessarily consumed in whole or in part on the premises. This seemed to be bad practice and the Board adopted regulations forbidding, with the exception of malt and wine, the sale of alcoholic beverages in bottles or original containers in Restaurants or Taverns and forbidding the holders of Restaurant or Tavern licenses from purchasing, with the exception of malt and wine, alcoholic beverages in bottles or original containers holding less than one-fifth of a gallon.

A druggist may sell alcohol without a license, but it seemed to the Board that the sale of alcohol should be subject to the same restrictions as the sale of alcoholic beverages under a drug liquor license. The Board therefore requested licensed druggists to record all sales of alcohol in the same book and in the same manner that the sales of alcoholic beverages are required by law to be recorded and this practice was later made a condition of a drug license.

Soon after the first of the year, small packages of hard liquor alcoholic beverages known as "nips" appeared for sale by licensees. Testimony presented caused the Board to believe that the sale of these "nips" was not for the public good and it adopted a regulation forbidding their sale by package and drug licensees.

With the coming of repeal, some restaurants advertised as clubs and there were other misnomers. The Board did not consider this proper and adopted a regulation to the effect that no licensee advertise to be anything else but what it or he legally was. This has since become law.

Various circulars of information, instruction and warning were also issued from time to time. In August questionnaires were sent to restaurant, hotel and tavern licensees asking the extent and many details of their business and to the Police asking for a report on the character and conduct of the business carried on by the licensee.

When liquor legislation was first passed, there was no provision for Taverns. That was to be the subject of special vote and consequently with the exception of Innholders and Clubs, restaurants were the only possible places for the public consumption of alcoholic beverages.

The law defining a restaurant in connection with the sale of alcoholic beverages is capable of different interpretations, but it is the opinion of the Board that a restaurant in order to be entitled to an alcoholic and especially a hard liquor alcoholic beverage license ought to be well equipped and have a substantial food business independent of alcoholic beverages. Malt and malt and wine restaurant licenses have been granted with less requirements as to food business than in the case of hard liquor.

The granting of these licenses to established and going restaurants presented no great difficulty, but hundreds of new ones were established, each with the avowed purpose of doing a restaurant business.

The result is that in some parts of the city there are more restaurants than the restaurant business warrants, and the dispensing of alcoholic beverages is likely to become their principal business. The question of how much food business in proportion to the alcoholic beverage business of an establishment is necessary in order to consider it a restaurant and entitled to the long hours and privileges of a restaurant is a difficult one and doubtless varies.

It may be, as urged by some, that the legislature intended that a proper equipment and a fair food supply is all that is necessary to constitute a restaurant without reference to whether any one buys the food, but if this is so, it simply means a practical tavern with the longer hours and other privileges denied to regular taverns. It was formerly the theory in this Commonwealth that restaurants and the dining rooms of hotels and clubs were intended to be resorted to for food, and, if so licensed, alcoholic beverages with the food, but that if a person simply wanted a drink a bar room or saloon was the place to go.

But conditions and the wishes of many people have changed. There is more eating with drinking and probably more drinking with eating. Nearly all taverns sell some food and this is encouraged by the Board.

There is a great call for entertainment of some kind while eating or drinking or both. In almost every place where intoxicating beverages are sold there is a radio, and the great majority of restaurants and hotels have or would like to have more elaborate entertainment, and the number of places where opportunity for dancing is provided is large.

Another change in conditions is the custom of beginning entertainments, recreations and other functions at a later hour, and the desire of many to continue their recreation to a much later hour than a few years ago.

Before prohibition no sale of alcoholic beverages was permitted after 11 P.M. in hotels, restaurants, and saloons, except that hotels by paying an extra \$500 license fee might extend their sale hours until midnight.

The new alcoholic beverage law permits the issuance of a Club liquor license to a club not having any great club activities, and the number at present is considerably more than before prohibition. Evidence of undesirable and unlawful conditions existing in a few clubs has been received and those clubs have been disciplined and there are rumors concerning others.

Not many complaints have been received against licensed drug stores, and most of these complaints are with reference to the sale of alcohol not necessarily sold for but used by the buyer for beverages purposes. No license is now required for the sale of alcohol by a druggist who holds a certificate of fitness from the Board of Pharmacy.

It may be noted that the number of Innholders licenses granted is very much less than before prohibition. Before prohibition there were a substantial number of hotels whose principal business was the selling of alcoholic beverages on Sunday and the conduct of these hotels was considered to be among the worst features of the distribution of alcoholic beverages.

In the granting of package licenses, the Board endeavors to distribute them so that the inhabitants of all parts of the city may have these stores reasonably convenient to their places of residence, with additional granting in business centers.

In the granting of restaurant and tavern licenses, the Board prefers to grant them in business centers and on business streets and does not intend to grant

them where they are likely to be reasonably objectionable to the neighbors or to churches, schools, or playgrounds.

Reports indicate that there are still some bootleggers and speakeasies, but, in the opinion of the Board, the great majority of those desiring alcoholic beverages prefer to purchase them legally, even though illegal merchandise may be offered at a lower price.

Complaints are received by the Board from the Police and from individuals and organizations against all types of licensees and from the inspectors of the Alcoholic Beverages Control Commission against liquor licensees, and the Board is ready to receive information at any time and from any source of the illegal or improper conduct of any licensee or as to the desirability of granting or refusing any license.

The granting of and the various matters connected with liquor licenses, together with the usual work of the Board concerning other licenses, have required many hearings, but the number of complaints of wrong doing by liquor licensees have been few in proportion to the number of licenses.

The Police are the agents of the Board to investigate and report on applications for licenses and to report on the conduct of licensees and conditions on licensed premises. The inspectors of the Alcoholic Beverages Control Commission have also given valuable co-operation.

The establishing of a wise and satisfactory system for the dispensing of alcoholic beverages is a very important undertaking, is still in the experimental stage and some desirable changes, both in the law and in its administration, will doubtless be indicated as time goes on.

All alcoholic beverage licenses are subject to approval by the Alcoholic Beverages Control Commission, but practically all licenses thus far granted by the Board have been approved by the Commission.

All decisions by Licensing Boards concerning alcoholic beverage applications, licenses or licensees may be appealed to the Alcoholic Beverages Control Commission.

In addition to the large number of package license appeals in December, which appeals were technical and necessary to the granting of the entire quota of those licenses, there were a few other package license and club appeals.

There were 111 appeals in connection with restaurant or tavern licenses; 34 of these appeals were disposed of by withdrawal or in some other way not involving an actual hearing.

Of the 77 restaurant and tavern appeals heard by the Commission, 9 were disciplinary and the Board was sustained in 5 cases and overruled in 4. The larger part of the remaining 68 were appeals from the refusal of the Board to grant hard liquor restaurant or tavern licenses, and the Board was sustained in 25 and overruled in 43 of these 68 cases.

In the granting of licenses, the Board co-operates with the Building Department, the Health Department, the Park Department and the School Department of the City and its relations with these departments, the Police Department and the Alcoholic Beverages Control Commission are harmonious.

It desires to express its appreciation of the faithful service of its secretary and employees, with regret that the service has required much overtime work on the part of some.

Respectfully submitted,

D. T. MONTAGUE,
MARY E. DRISCOLL,

Licensing Board for the City of Boston.

The Commonwealth of Massachusetts

ANNUAL REPORT

OF THE

LICENSING BOARD

FOR THE

CITY OF BOSTON

FOR THE

YEAR ENDING NOVEMBER 30

1935



ANNUAL REPORT

of the

LICENSING BOARD FOR THE CITY OF BOSTON

December 1, 1935

TO HIS EXCELLENCY JAMES M. CURLEY, *Governor of the Commonwealth of Massachusetts:*

Sir:—The Licensing Board for the City of Boston respectfully submits its thirtieth annual report covering the year ending November 30, 1935.

PERSONNEL OF THE BOARD

David T. Montague, Chairman, Edwin D. Gallagher, and Mary E. Driscoll, constitute the Board.

FINANCIAL

Receipts and Disbursements for the year ending November 30, 1935.

Alcoholic Beverages Licenses	\$1,395,554.85
Miscellaneous Licenses	42,501.23
Miscellaneous Receipts	282.80
Denatured Alcohol Licenses	127.00
	<hr/>
	\$1,438,465.88
Expenses of the Board, salaries, light, rent, etc.	43,916.31
	<hr/>
Excess receipts over expenditures	\$1,394,549.57

LICENSES GRANTED BY THE BOARD

Alcoholic Beverages	1,966
Retail Druggists	195
Denatured Alcohol	146
Innholders and Common Victualers	2,756
Club Victualers	6
Entertainment as required by Chapter 299, Acts of 1926	1,144
Lodging Houses	2,884
Sunday sale of ice cream, confectionery, soda water and fruit	2,044
Soft drinks	1,916
Billiard and pool tables and bowling alleys	238
Intelligence Offices	112
Sales of firearms	11
Ferris wheels, etc.	3
Picnic Groves	5
Roller Skating Rinks	3
	<hr/>
	13,429

Total number of applications acted on during the year:

Granted, 13,429	Rejected, 507	Total, 13,936
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Formal Hearings, Alcoholic Beverages Applications and Licenses	531
Formal Hearings, Miscellaneous Licenses	471
	<hr/>
Total Hearings	1,002

Innholders, all alcoholic	38	
Common victualers, all alcoholic	410	
Taverns, all alcoholic	316	
Clubs, all alcoholic	69	
	<hr/>	833
Package stores, all alcoholic	305	305
Common victualers, malt and wine	57	
Taverns, malt and wine	3	
Clubs, malt and wine	1	
	<hr/>	61
Package stores, malt and wine	9	9
Common victualers, malt	347	
Taverns, malt	22	
Clubs, malt	5	
	<hr/>	374
Package stores, malt	51	51
Druggists		185
		<hr/>
Grand Total		1,818

Note:

The limitation of licenses under Section 12 of Chapter 138 of the General Laws is 1,000 all alcoholic licenses. 833 were in operation November 30, 1935.

Section 12 provides for the issuance of all licenses for alcoholic beverages to be drunk on the premises.

The limitation of licenses under Section 15 of Chapter 138 of the General Laws is 350 all alcoholic licenses. 305 were in operation November 30, 1935.

Section 15 provides for the issuance of all licenses for alcoholic beverages not to be drunk on the premises except druggists which are issued under Section 30-a of Chapter 138 of the General Laws.

There is no limitation on the number of licenses which may be issued for malt and wine and malt licenses or for drug stores.

ALCOHOLIC BEVERAGES, HEARINGS ON COMPLAINTS

Kind of License	Number of Licenses	Action Taken
Innholders	1	Dismissed
Innholders	1	Suspended indefinitely
Innholders	2	Placed on file, warned
Innholders	1	Revoked, but revocation suspended
Innholders	2	Restricted
Innholders	1	Transfer
Innholders	1	Miscellaneous
Common victualers	3	Revoked
Common victualers	7	Revoked, but revocation suspended
Common victualers	12	Dismissed
Common victualers	33	Placed on file, warned
Common victualers	31	Granted after hearing
Common victualers	86	Rejected after hearing
Common victualers	1	Suspended one day
Common victualers	4	Suspended two days
Common victualers	5	Suspended three days
Common victualers	1	Suspended four days
Common victualers	5	Suspended one week
Common victualers	10	Suspended indefinitely
Common victualers	13	Restrictions imposed
Common victualers	5	Withdrawn
Common victualers	34	Miscellaneous
Common victualers	16	License changed
Common victualers	9	Transfer
Retail bottle stores	1	Dismissed
Retail bottle stores	1	Placed on file, warned
Retail bottle stores	9	Granted after hearing
Retail bottle stores	17	Rejected after hearing
Retail bottle stores	1	Suspended one day
Retail bottle stores	1	Suspended three days
Retail bottle stores	2	Suspended one week
Retail bottle stores	1	Suspended ten days
Retail bottle stores	2	Withdrawn
Retail bottle stores	1	Miscellaneous
Retail bottle stores	7	Transfer
Clubs	3	Revoked
Clubs	2	Dismissed
Clubs	1	Revoked, but revocation suspended
Clubs	2	Suspended two days
Clubs	2	Suspended three days
Clubs	2	Suspended one week
Clubs	5	Suspended two weeks
Clubs	10	Suspended indefinitely
Clubs	15	Restrictions imposed
Clubs	1	Granted after hearing
Clubs	6	Rejected after hearing
Clubs	5	Placed on file, warned
Clubs	1	Miscellaneous
Taverns	4	Revoked, but revocation suspended
Taverns	5	Placed on file, warned
Taverns	22	Granted after hearing
Taverns	47	Rejected after hearing
Taverns	1	Suspended one day
Taverns	2	Suspended two days
Taverns	3	Suspended three days
Taverns	4	Suspended one week
Taverns	1	Dismissed
Taverns	1	Restrictions imposed
Taverns	3	Miscellaneous
Taverns	2	License changed
Taverns	3	Transfer
Taverns	3	Withdrawn
Druggists	3	Placed on file
Druggists	1	Granted after hearing
Druggists	1	Suspended three days
Druggists	2	Suspended one week
Druggists	5	Suspended two weeks
Druggists	2	Suspended three weeks
Druggists	1	Suspended one month
Druggists	1	Suspended two months
From tavern to common victualer	21	Changes made by board
From common victualer to tavern	7	Changes made by board
Drugs without liquor	1	Warned, placed on file
Drugs without liquor	1	Suspended one week
Drugs without liquor	1	Suspended two weeks
Drugs without liquor	1	Suspended one month

MISCELLANEOUS HEARINGS ON COMPLAINTS

Kind of License	Number of Licenses	Action Taken
Innholders	1	Dismissed
Entertainment	3	Revoked
Entertainment	3	Revoked, but revocation suspended
Entertainment	33	Placed on file
Entertainment	6	Dismissed
Entertainment	10	Granted after hearing
Entertainment	4	Rejected after hearing
Entertainment	1	Suspended two days
Entertainment	1	Suspended four days
Entertainment	5	Suspended indefinitely
Entertainment	5	Restrictions imposed
Entertainment	1	Transfer
Entertainment	1	Miscellaneous
Common victualers	6	Revoked
Common victualers	8	Revoked, but revocation suspended
Common victualers	51	Placed on file
Common victualers	14	Dismissed
Common victualers	25	Granted after hearing
Common victualers	52	Rejected after hearing
Common victualers	3	Suspended two days
Common victualers	1	Suspended four days
Common victualers	3	Suspended one week
Common victualers	1	Suspended one month
Common victualers	3	Suspended indefinitely
Common victualers	1	Suspended revocation after penalty
Common victualers	8	Miscellaneous
Common victualers	10	License changed
Common victualers	4	Withdrawn
Common victualers	10	Restrictions imposed
Common victualers	8	Transfer
Intelligence offices	1	Dismissed
Intelligence offices	1	Granted after hearing
Intelligence offices	1	Miscellaneous
Lodging houses	5	Revoked
Lodging houses	12	Revoked, but revocation suspended
Lodging houses	8	Placed on file
Lodging houses	39	Dismissed
Lodging houses	2	Granted after hearing
Lodging houses	1	Restrictions imposed
Lodging houses	1	Miscellaneous
Fruit, etc.	7	Revoked
Fruit, etc.	9	Revoked, but revocation suspended
Fruit, etc.	12	Placed on file
Fruit, etc.	5	Granted after hearing
Fruit, etc.	1	Rejected after hearing
Fruit, etc.	1	Suspended three days
Fruit, etc.	5	Suspended one week
Fruit, etc.	3	Suspended two weeks
Fruit, etc.	1	Suspended one month
Fruit, etc.	3	Suspended balance of license year
Fruit, etc.	1	Suspended indefinitely
Fruit, etc.	2	Suspended revocation after penalty
Beverages	6	Revoked
Beverages	9	Revoked, but revocation suspended
Beverages	12	Placed on file
Beverages	1	Dismissed
Beverages	5	Granted after hearing
Beverages	1	Rejected after hearing
Beverages	1	Suspended one day
Beverages	5	Suspended one week
Beverages	3	Suspended two weeks
Beverages	1	Suspended one month
Beverages	1	Suspended indefinitely
Beverages	3	Suspended balance of license year
Beverages	2	Suspended revocation after penalty
Pool	1	Revoked
Pool	1	Placed on file
Pool	3	Dismissed
Pool	3	Granted after hearing
Pool	3	Rejected after hearing
Pool	1	Suspended one day
Pool	1	Suspended two days
Pool	1	Suspended one week
Merry-go-rounds	3	Rejected after hearing
Skating rink	1	Granted after hearing

RECAPITULATION

December 1, 1934 to December 1, 1935

Alcoholic Beverages		Miscellaneous	
Revoked	6	Revoked	28
Revoked, but revocation suspended	13	Revoked, but revocation suspended	41
Suspended	78	Suspended	49
Placed on file	50	Placed on file	117
Granted after hearing	64	Granted after hearing	52
Rejected after hearing	156	Rejected after hearing	64
Dismissed	17	Dismissed	65
Restrictions imposed	31	Restrictions imposed	16
Withdrawn	10	Withdrawn	4
License changed	46	License changed	10
Transfer	20	Transfer	9
Miscellaneous	40	Miscellaneous	11
		Suspended revocation after penalty	5
	531		471

TABLE 1. INNHOLDERS (ALCOHOLIC BEVERAGES)

Section 12, Chapter 138, General Laws

Applications filed		39
Applications granted		39
Applications cancelled		4
For the Board	3	
Non-payment of fee	1	
Places licensed		35
Fees:		
39 @ \$2,000		\$78,000
UNPAID 1 @ 2,000		2,000
Net fees collected		\$76,000
The fees fixed by the Board are as follows:		
All alcoholic license		\$2,000
Malt and wine license		750
Malt license		400

TABLE 2. COMMON VICTUALERS (ALCOHOLIC BEVERAGES)

Section 12, Chapter 138, General Laws

Application filed			992
Application granted			869
All alcoholic		7 day	356
		6 day	37
Malt and wine		7 day	48
		6 day	10
Malt		7 day	279*
		6 day	89
Changed from Taverns			50
Places licensed			775
All alcoholic		7 day	331
		6 day	58
Malt and wine		7 day	48
		6 day	13
Malt		7 day	251*
		6 day	74

*Note—5 of the 7 day malt licenses were dining cars

Cancelled		81
By the Board	28	
For non-payment of fee	53	
Reconsidered and rejected		1
Rejected		88
Revoked		3
Withdrawn		35
Changed to Taverns		9

136

992

Transfers	24
Reconsidered and granted	35

(Changes by the Board)

Common Victualer All Aleoholic to Tavern All Aleoholic	2
Common Vietualer Malt and Wine to Tavern All Aleoholic	1
Common Victualer Malt to Tavern All Aleoholic	2
Common Vietualer Malt and Wine to Tavern Malt and Wine	1
Common Vietualer Malt to Tavern Malt	3

9

Tavern All Aleoholic to 7 day Common Vietualer All Aleoholic	7
Tavern All Aleoholic to 6 day Common Vietualer All Aleoholic	31
Tavern All Aleoholic to 7 day Common Victualer Malt and Wine	1
Tavern Malt to 7 day Common Vietualer Malt	5
Tavern Malt to 6 day Common Vietualer Malt	6

50

(Change of Class)

6 day All Aleoholic to 7 day All Aleoholic	17
7 day Malt and Wine to 7 day All Aleoholic	5
7 day Malt to 7 day All Aleoholic	1
7 day Malt and Wine to 6 day All Aleoholic	1
6 day Malt and Wine to 7 day Malt and Wine	1
7 day Malt to 7 day Malt and Wine	4
6 day Malt to 7 day Malt	8

37

(Rejected Petitions)

6 day All Aleoholic petitioning for 7 day All Aleoholic	8
7 day Malt and Wine petitioning for 7 day All Aleoholic	1
6 day Malt and Wine petitioning for 7 day Malt and Wine	3
6 day Malt petitioning for 7 day Malt	3

15

Appeals from the decision of the Board to the Aleoholic Beverages
Control Commission 49

	<i>All Aleoholic</i>	<i>Malt and Wine</i>	<i>Malt</i>
Sustained	5	1	2
Denied	3	5	10
Dismissed	9	3	5
Withdrawn	2	0	4
	<hr/> 19	<hr/> 9	<hr/> 21

Common Victualers (Alcoholic Beverages)

Fees Payable

All Alcoholic 7 day	349 @	\$1,200.00	\$418,800.00
All Alcoholic 6 day	45 @	1,000.00	45,000.00
All Alcoholic 7 day (changed from Tavern)	1 @	550.00	550.00
Malt and Wine 7 day	47 @	500.00	23,500.00
All Alcoholic 7 day (changed from Tavern)	13 @	450.00	5,850.00
Malt 7 day	282 @	400.00	112,800.00
Malt and Wine 6 day	10 @	400.00	4,000.00
Malt 6 day	89 @	300.00	26,700.00
Malt and Wine to July 15	1 @	270.85	270.85
All Alcoholic 6 day (changed from Tavern)	23 @	250.00	5,750.00
Malt 7 day (changed from Tavern)	2 @	200.00	400.00
Malt 6 day (changed from Tavern)	6 @	100.00	600.00

Gross Fees	868		\$644,220.85
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Changed from Tavern (no fee)	1		
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Cancelled for Non-Payment

All Alcoholic 7 day	15 @	\$1,200.00	\$ 18,000.00
All Alcoholic 6 day	5 @	1,000.00	5,000.00
Malt and Wine 7 day	1 @	500.00	500.00
Malt 7 day	22 @	400.00	8,800.00
Malt 6 day	9 @	300.00	2,700.00
All Alcoholic 6 day			
(additional fee on change from Tavern)	1 @	250.00	250.00
	53		\$ 35,250.00

Reconsidered and Rejected

Malt 7 day	1 @	\$ 400.00	400.00
Changed to Tavern before payment of fee			
Malt 6 day	1 @	300.00	300.00

Deductions			\$ 35,950.00
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Gross Receipts	\$644,220.85
Deductions	35,950.00

Net fees collected	\$608,270.85
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The fees fixed by the Board were as follows:

All Alcoholic 7 day	\$1,200
All Alcoholic 6 day	1,000
Malt and Wine 7 day	500
Malt and Wine 6 day	400
Malt 7 day	400
Malt 6 day	300

TABLE 3. TAVERNS

Section 12, Chapter 138, General Laws

Applications filed		465
Applications granted		371
All alcoholic	329	
Malt and wine	2	
Malt	31	
Changed from Common Victualer	9	
	371	

Places licensed		296	
All alcoholic	275		
Malt and wine	3		
Malt	18		
Cancelled		24	
By the Board	8		
For non-payment	16		
Reconsidered and rejected		1	
Changed to common victualers		50	
Withdrawn		38	
Rejected	66		
Reconsidered and granted	10		
	<u>56</u>	<u>56</u>	
			465
Transferred	13		

(Changes by the Board)

Tavern All Alcoholic to Common Victualer All Alcoholic	38
Tavern All Alcoholic to Common Victualer Malt and Wine	1
Tavern Malt to Common Victualer Malt	11
Common Victualer All Alcoholic to Tavern All Alcoholic	2
Common Victualer Malt and Wine to Tavern All Alcoholic	1
Common Victualer Malt to Tavern All Alcoholic	2
Common Victualer Malt and Wine to Tavern Malt and Wine	1
Common Victualer Malt to Tavern Malt	3

(Rejected Petitions)

Malt Tavern petitioning for Tavern All Alcoholic	3
All Alcoholic Tavern petitioning for Common Victualer all Alcoholic	5

(Change of Class)

Malt Tavern to Tavern All Alcoholic	9
Malt and Wine Tavern to Tavern All Alcoholic	2
Appeals from the decision of the Board to the Alcoholic Beverages Control Commission	72

	<i>All Alcoholic</i>	<i>Malt</i>
Sustained	23	7
Denied	23	5
Dismissed	5	3
Withdrawn	5	1
	<u>56</u>	<u>16</u>

Fees Payable

All Alcoholic	327 @ \$750	\$245,250
All Alcoholic	2 @ 450	900
All Alcoholic	2 @ 350	700
Malt and Wine	3 @ 300	900
Malt	28 @ 200	5,600
	<u>362</u>	<u>\$253,350</u>

Cancelled for Non-Payment

All Alcoholic	.	.	.	.	.	.	.	.	12 @ \$750	\$ 9,000
Malt	.	.	.	.	.	.	.	.	4 @ 200	800

Changed to Common Victualer before payment of fee

All Alcoholic	.	.	.	.	.	.	.	.	1 @ 750	750
Malt	.	.	.	.	.	.	.	.	2 @ 200	400

Reconsidered and rejected before payment of fee

All Alcoholic	1 @ 750	750
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Paid after end of fiscal year

All Alcoholic	1 @ 750	750
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\$ 12,450

9 changes (no fee)

21 non-payments of fee		
Gross Receipts	\$253,350	
Deductions	12,450	
Net fees collected	.	.	.	.	.	.	.	.		\$240,900

The fees fixed by the Board were as follows:

All Alcoholic	.	.	.	.	.	.	.	.	\$750
Malt and Wine	.	.	.	.	.	.	.	.	300
Malt	.	.	.	.	.	.	.	.	200

TABLE 4. CLUBS (ALCOHOLIC BEVERAGES)

Section 12, Chapter 138, General Laws

Applications filed	.	.	.	.	.	.	.	.		78
Applications granted	.	.	.	.	.	.	.	.		77
All Alcoholic	.	.	.	.	.	.	.	71		
Malt and Wine	.	.	.	.	.	.	.	1		
Malt	.	.	.	.	.	.	.	5		
								<hr/> 77		
Cancelled	.	.	.	.	.	.	.	.		5
Surrendered	.	.	.	.	.	.	.	3		
For non-payment	.	.	.	.	.	.	.	2		
Revoked	.	.	.	.	.	.	.	.		3
Rejected	.	.	.	.	.	.	.	.		4
Withdrawn	.	.	.	.	.	.	.	.		1

Fees

All Alcoholic	.	.	.	.	.	.	.	71 @ \$600	\$42,600
Malt and Wine	1 @ 400	400
Malt	5 @ 300	1,500
								<hr/>	\$44,500

Cancelled for Non-Payment

All Alcoholic	2 @ 600	1,200
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Net fees collected

\$43,300

The fees fixed by the Board were as follows:

All Alcoholic	\$600
Malt and Wine	.	.	.	.	.	.	.	400
Malt	.	.	.	.	.	.	.	300

The fee fixed by the Board varies according to the number of people to be served.

Special Alcoholic Licenses for Less than 1 Year

B. (Malt or Malt and Wine only)

Section 14, Chapter 138, General Laws

Applications filed	7	
Applications granted	6	
Applications rejected	1	
Appeals from decision of the Board to Alcoholic Beverages Control Commission		
Denied	1	
Fees collected		\$968

The fees fixed by the Board vary according to the number of days used and the number of people present at the gatherings.

TABLE 7. DRUGGISTS

Sections 30-a-30-g, Chapter 138, General Laws

Applications granted		195
Places licensed		182
Cancelled		13
Non-payment	10	
By the Board	3	
Rejected		2
Withdrawn		33
Transferred		3
Fees collected (gross)		\$39,000
Cancelled	10 @ \$200.	2,000
Net fees collected		\$37,000

The fee fixed by the Board was \$200.

TABLE 8. DENATURED ALCOHOL (TO SELL ANYWHERE IN THE COMMONWEALTH)

Applications filed	150
Applications granted	146
Cancelled for non-payment of fee	19
Withdrawn	4
Fees collected	\$127

The statute fixed the fee at \$1.

Miscellaneous Licenses

TABLE 9. COMMON VICTUALERS

Applications granted	2,692
Places licensed	2,379
Cancelled	307
Surrendered	191
Non-payment of fee	116
Rejected	164
Revoked	6
Transferred	91
Withdrawn	12
Fees collected	\$12,833.23

4 (1935) licenses paid @ \$3.33; 5 (1935) licenses unpaid.

(Of the licenses granted, 26 were for dining cars, 25 of which are in actual operation.)

The fee fixed by statute is not to exceed \$5.

TABLE 10. INNOLDERS

Applications granted	.	.	.	.	.	.	.	.	.	64
Places licensed	.	.	.	.	.	.	.	.	.	56
Cancelled:	.	.	.	.	.	.	.	.	.	8
Surrendered	.	.	.	.	.	.	.	.	6	
Non-payment of fee	.	.	.	.	.	.	.	.	2	
Rejected	.	.	.	.	.	.	.	.	.	1
Fees collected	.	.	.	.	.	.	.	.	.	\$310

The fee fixed by statute not to exceed \$5.

TABLE 11. CLUB VICTUALERS (WITHOUT ALCOHOLIC BEVERAGES)

Applications granted	.	.	.	.	.	.	.	.	.	6
Places licensed	.	.	.	.	.	.	.	.	.	5
Cancelled:	.	.	.	.	.	.	.	.	.	1
Surrendered	.	.	.	.	.	.	.	.	1	
Rejected	.	.	.	.	.	.	.	.	.	1
Fees collected	.	.	.	.	.	.	.	.	.	\$30

The fee fixed by statute not to exceed \$5.

TABLE 12. LODGING HOUSES

Applications granted	.	.	.	.	.	.	.	.	.	2,884
Places licensed	.	.	.	.	.	.	.	.	.	2,695
Cancelled:	.	.	.	.	.	.	.	.	.	184
Surrendered	.	.	.	.	.	.	.	.	121	
Non-payment of fee	.	.	.	.	.	.	.	.	63	
Rejected	.	.	.	.	.	.	.	.	.	23
Revoked	.	.	.	.	.	.	.	.	.	5
Transferred	.	.	.	.	.	.	.	.	.	57
Fees collected	.	.	.	.	.	.	.	.	.	\$5,632
5 licenses unpaid										

The fee established by the City is \$2.

TABLE 13. SUNDAY SALE OF ICE CREAM, CONFECTIONERY, SODA WATER. FRUIT.

Applications granted	.	.	.	.	.	.	.	.	.	2,044
Places licensed	.	.	.	.	.	.	.	.	.	1,844
Cancelled:	.	.	.	.	.	.	.	.	.	193
Surrendered	.	.	.	.	.	.	.	.	114	
Non-payment of fee	.	.	.	.	.	.	.	.	79	
Rejected	.	.	.	.	.	.	.	.	.	24
Revoked	.	.	.	.	.	.	.	.	.	7
Transferred	.	.	.	.	.	.	.	.	.	45
Withdrawn	.	.	.	.	.	.	.	.	.	45
Fees collected *	.	.	.	.	.	.	.	.	.	\$9,835

*Note: Includes \$10. on two unpaid licenses of 1934.

The fee is established by law at \$5.

TABLE 14. RETAIL VENDORS OF SOFT DRINKS

Application granted	.	.	.	.	.	.	.	.	.	1,916
Places licensed	.	.	.	.	.	.	.	.	.	1,728
Cancelled:	.	.	.	.	.	.	.	.	.	181
Surrendered	.	.	.	.	.	.	.	.	105	
Non-payment of fee	.	.	.	.	.	.	.	.	76	
Rejected	.	.	.	.	.	.	.	.	.	17
Revoked	.	.	.	.	.	.	.	.	.	7
Transferred	.	.	.	.	.	.	.	.	.	44
Withdrawn	.	.	.	.	.	.	.	.	.	34
Fees collected *	.	.	.	.	.	.	.	.	\$1,841	

*Note: Includes \$1 on unpaid license of 1934.

The fee is established by law, not to exceed \$1.

TABLE 15. INTELLIGENCE OFFICES

Applications granted	.	.	.	.	.	.	.	.	.	112
Places licensed	.	.	.	.	.	.	.	.	.	102
Cancelled:	.	.	.	.	.	.	.	.	.	5
Non-payment C-1	.	.	.	.	.	.	.	.	3	
C-2	.	.	.	.	.	.	.	.	2	
Withdrawn	.	.	.	.	.	.	.	.	.	3
Of Applications Granted	.	.	.	.	.	.	.	.	.
					Class 1	56	@	\$50	\$2,800	
					Class 2	41	@	25	1,025	
					Class 3	15	@	2	30	
Fees collected (gross)	.	.	.	.	.	.	.	.	.	\$3,855
Of Applications Cancelled	.	.	.	.	.	.	.	.	.
					Class 1	3	@	\$50	\$ 150	
					Class 2	2	@	25	50	
										200
Net fees collected	.	.	.	.	.	.	.	.	.	\$3,655

5 licensed premises held two classes of licenses.

The fees established by the Board are \$50 for a first-class license, \$25 for a second-class license, and \$2 for a free employment office license.

TABLE 16. BILLIARD, POOL, AND BOWLING ALLEYS

Applications granted	.	.	.	.	.	.	.	.	.	238
Public places	.	.	.	.	.	.	.	.	.	193
Club places	.	.	.	.	.	.	.	.	.	24
Cancelled	.	.	.	.	.	.	.	.	.	13
For non-payment	.	.	.	.	.	.	.	.	3	
By the Board	.	.	.	.	.	.	.	.	10	
Rejected	.	.	.	.	.	.	.	.	.	8
Transferred (1 Club)	.	.	.	.	.	.	.	.	.	7
Revocations	.	.	.	.	.	.	.	.	.	1
Rejected transfers	.	.	.	.	.	.	.	.	.	1
Additional	.	.	.	.	.	.	.	.	.	7
Withdrawn	.	.	.	.	.	.	.	.	.	7
		Billiards		Pool		Bowling Alleys				
Of Applications Granted		182		771		661		\$8,070		
Of Applications Cancelled		2		4				30		

Fees collected (net) \$8,040

The fee established by the Board is \$5 for each table and bowling alley.

TABLE 17. MERRY-GO-ROUNDS, ETC.

Applications granted	3
Places licensed	6
Rejected	6
Fees collected	\$165

The fee established by the Board is \$5 each day for each machine.

TABLE 18. ROLLER SKATING RINKS

Applications granted	3
Places licensed	3
Fees collected	\$75

The fee established by the Board is \$25.

TABLE 19. PICNIC GROVES

Applications granted	5
Places licensed	5
Rejected	1
Fees collected	\$25

The fee established by the Board is \$5.

TABLE 20. FIREARMS

Applications granted	11
Places licensed	11
Fees collected	\$55

The fee established by the Board is \$5.

TABLE 21. ENTERTAINMENT

Applications granted	1,144
Innholders	39
Common Victualers	1074
Clubs	30
Soft Drinks	1
Cancelled	47
Surrendered Innholders	5
Common victualers	42
Rejected	75
Common victualer	
Revoked	4
Common victualers	2
Club	1
Soft drinks	1
Places in operation	1,094
Fees collected	\$5

Under Chapter 299, Acts of 1926, no fee is collectible from persons having an innholder or common victualer license.

TABLE 22. MISCELLANEOUS RECEIPTS

Sale of Lists of Liquor Licenses	\$231.00
Certification of Alcoholic Licenses	41.80
Sale of old desk	10.00
	<hr/>
	\$282.80

Total amount received and paid in the treasury on account of miscellaneous licenses and receipts

\$42,784.03

TABLE 23. HOLDERS OF MISCELLANEOUS LICENSES
Arranged According to Nativity

	Lodging Houses	Common Victualers	Inn- holders	Retail Vendors of Soft Drinks	Fruit, Ice Cream, etc.	Fire- arms
Albanian	7	55	—	46	56	—
American	1,214	1,413	47	513	522	4
Arabian	—	3	—	—	—	—
Armenian	8	44	—	125	132	—
Austrian	16	20	—	11	10	—
Belgian	5	—	—	1	2	—
Bohemian	—	1	—	—	—	—
Canadian	621	100	2	43	41	—
Chinese	—	19	—	—	—	—
Cuban	—	—	—	—	—	—
Czecho Slav	4	—	—	—	—	—
Danish	4	1	—	—	—	—
Dutch	3	1	—	2	2	—
Egyptian	—	—	—	1	1	—
English	80	24	—	29	25	2
Finlander	6	1	—	—	—	—
French	17	8	4	5	5	—
German	30	47	1	8	7	—
Grecian	26	340	2	90	102	—
Hungarian	1	1	—	—	—	—
Irish	453	209	—	71	89	—
Italian	22	281	8	340	331	3
Japanese	1	1	—	—	—	—
Jugo Slav	—	—	—	—	1	—
Latvian	—	2	—	3	5	—
Lithuanian	5	30	—	51	53	—
Mexican	—	—	—	—	—	—
Norwegian	5	4	—	—	1	—
Polish	55	40	—	54	64	—
Portuguese	14	10	—	8	5	—
Roumanian	—	—	—	3	6	—
Russian	23	329	9	356	417	2
Scotch	41	28	—	6	6	—
Serbian	—	1	—	—	—	—
S. American	—	1	—	—	1	—
Spanish	3	7	—	—	—	—
Swedish	69	21	—	2	2	—
Swiss	4	—	—	1	1	—
Syrian	132	28	—	69	74	—
Turkish	1	12	—	26	31	—
Ukrainian	—	—	—	—	—	—
Welsh	—	3	—	—	—	—
West Indian	20	3	—	2	2	—
	2,890	3,085	73	1,866	1,994	11

TABLE 24. EXPENDITURES FROM DECEMBER 1, 1934 TO DECEMBER 1, 1935

Personal Service

Commissioners, Secretary, and Permanent Employees . . . \$33,967.62

Services other than Personal

Printing and binding	\$ 84.50
Transportation of persons	13.15
Light	453.36
Rental	4,524.00
Communication	398.38
Cleaning	9.50
Investigation, etc.	1,275.95
General plant repair	184.20

Equipment

Office	435.76
Library	37.50

Supplies

Office	2,393.79
Food and ice	93.40
Laundry, cleaning, etc.	21.90
Miscellaneous supplies	23.30

\$43,916.31

No Federal legislation bearing on the work of the Board was enacted during the fiscal year.

Considerable State legislation was enacted, largely of a perfecting or clarifying nature but new legislation made several definite changes affecting the work of the Board and the rights and obligations of licensees.

By Chapter 253, Acts of 1935, the previous requirement that alcoholic beverages could only be served to patrons when seated was done away with and the matter of stools at bar or counter made optional with the licensee but with the provision that on Sundays all patrons and women patrons at all times must be seated when served alcoholic beverages. Upon the passage of this act, many licensees removed the stools from bars or counters, but the demands of customers soon brought them back again and they are now to be found in most restaurants and taverns.

By Chapter 440, Acts of 1935, Section 7, local licensing authorities are given discretion on applications for alcoholic beverage restaurant licenses to grant such licenses for either all days of the week or for six days only, with the provision that the license fee for a seven-day license should not be more than 25% greater than for a six-day license. After the passage of this act, the Board established new license fees for six-day restaurants closing at midnight and those closing at one A.M. Before the passage of this act, the Board granted some restaurant licenses for six days only, in some cases because of the objection of the representatives of churches and others to a seven-day license and in others because there was apparently very little food business on Sunday.

Section 13 of said Chapter 440 established a new requirement in regard to the advertising of applications and all applications for the sale of alcoholic beverages whether original or renewal must now be advertised once. The Board made a rule that this advertising must be done in some daily newspaper and in all the editions of the day.

By Section 23, licensing authorities are empowered to order a refund of a license fee paid in the event of an error in the kind of license issued or if the applicant has withdrawn his application before the license is issued or after a license has been issued if the licensing authorities are satisfied that no right power or privilege has been exercised under the license. This section also allows a transfer of a license by the holder from one location to another upon the same conditions as regards advertising and approval as if it were an original application.

It also permits a license held by an individual, partnership or corporation to be transferred to a qualified corporation if the parties interested in the business retain substantially the same interest in the business after the transfer. Since this act was passed a substantial number of individuals and partnerships have incorporated and have transferred the license held by them to the corporation.

It appears to be the intent of this permissive amendment as also the statement concerning transfers contained in the first sentence of Section 23 of Chapter 138 of the General Laws as amended that the transfer of an alcoholic beverage license from one licensee to another is forbidden but apparently there is nothing to prevent the stockholders of a corporation licensee from selling all their stock to an entirely new stockholder or stockholders and thus bring about a practical transfer of the license to new parties in interest.

By Section 26 of said Chapter, the hours for the sale of alcoholic beverages without a prescription by a licensed druggist are made to conform to the hours of a package store, 8 A.M. to 11 P.M.

Section 32 of said Chapter makes possession on licensed premises of any alcoholic beverage or alcohol not authorized to be sold or used under the terms of the license prima facie evidence of intent to sell unlawfully.

Section 33 adds alcohol to alcoholic beverages which cannot be sold or served by any person not a citizen.

Section 34 provides a penalty for a licensee who employs a person under 21 years of age in the direct handling or selling or who sells to any person under 21 years of age any alcoholic beverage or alcohol.

These three sections are substantially the same as heretofore except for the addition of alcohol.

Section 35 is a substantial re-enactment of Chapter 146 of the current year which was entirely new and provides a penalty for a minor who falsely states his age in order to procure a sale or delivery of alcoholic beverages or alcohol and a similar penalty for whoever knowingly falsely states the age of a minor in order to procure a sale or delivery to a minor or whoever induces a minor to falsely state his age for this purpose.

By Section 76 of Chapter 138 of the General Laws as amended, licensing authorities were given the right to grant licenses for the sale of denatured alcohol but by Section 43 of said Chapter 440, said Section 76 was stricken out and the new section inserted in place of the former makes no mention of denatured alcohol. Consequently there is apparently now no provision for licensing the sale of denatured alcohol.

Chapter 468 of the Acts of 1935, Section 1 is substantially a re-statement and re-enactment of Section 12 of Chapter 138 of the General Laws as amended by earlier acts of the current year with the new feature that except on Saturday night one o'clock A.M. is now the legal limit for the sale of alcoholic beverages by Hotels, Restaurants, and Clubs instead of two o'clock A.M. as theretofore.

This change of legal hour makes no practical difference in Boston because the Licensing Board with the advent of repeal established one o'clock A.M. as the limit for such sales.

There are several matters that might well be made more clear by additional legislation. A tavern keeper is allowed to sell food the same as a restaurant and if he does so should have a common victualer license. This license practically requires him to sell food to all customers but under the alcoholic beverage law no woman may be a patron of a tavern. This conflict of laws has thus far caused no trouble in Boston, but the inconsistency should be removed.

If it was the intention of the legislature to definitely forbid the transfer to a new owner of an alcoholic beverage license during its term, more definite legislation is required where the license is held by a corporation.

There is reason for and there is a difference of opinion as to the rights intended to be conferred on public officers, receivers, trustees, assignees for the benefit of creditors, mortgagees, and pledgees by Section 2 of Chapter 138 of the General Laws as amended. Did the Legislature intend that these parties or any of them should be permitted to carry on the business of a restaurant or tavern, or whatever the business may be, under the license held by the former owner of the business, or did the Legislature intend to authorize the sale in bulk of the alcoholic beverages belonging to the debtor the same as other personal property of the debtor would naturally be sold?

Before prohibition there was a statute fixing the minimum distance from a public school at which an alcoholic beverage license might be granted, but contrary to the usual impression there was no restriction in regard to churches or playgrounds.

In the opinion of the Board not all types of licensed places are equally objectionable, but the distance and situation of any proposed licensed premises with reference to schools, churches, and playgrounds should be taken into consideration in the granting of licenses. Acting on this principle the Board has rejected several applications because of the nearness of the proposed location to schools, churches, or playgrounds, and in its opinion there might well be reasonable legislation concerning the matter.

WORK OF THE BOARD

The details of the work appear in the tables.

LICENSE FEES

As the time for fixing alcoholic beverage license fees for 1935 approached, representatives of all classes of licensees appeared before the Board and requested reductions.

Several hearings were held and after consultation with his Honor the Mayor, a reduction of the fees for package goods stores and drug stores was granted.

One new license was established, a six-day restaurant license.

The alcoholic beverage license fees fixed by the Board for 1935 were as follows:

Package Store licenses, all alcoholic	\$1,200
Package Store licenses, malt and wine	600
Package Store licenses, malt only	300
Innholders, all alcoholic	2,000
Innholders, malt and wine	750
Innholders, malt only	400
Common victualers:	
7 days, all alcoholic	1,200
7 days, malt and wine	500
7 days, malt only	400
6 days, close midnight, all alcoholic	1,000
6 days, close midnight, malt and wine	400
6 days, close midnight, malt only	300
Clubs, all alcoholic	600
Clubs, malt and wine	400
Clubs, malt only	300
Taverns, all alcoholic	750
Taverns, malt and wine	300
Taverns, malt only	200
Drug licenses	200

There was no change in miscellaneous license fees.

The Board has drafted and distributed to licensees during the year several circulars calling attention to various matters required by law, by the conditions of a license, the regulations of the Board, and the rules of the Alcoholic Beverages Control Commission, but has made few new regulations.

From information received, the Board became of the opinion that the sale of malt beverages by the pitcher was not wise and by a regulation adopted in April forbade further sale in that manner. Most licensees complied but a few sought to evade by selling six 5c drinks or three 10c drinks for a quarter. This practice was probably contrary to law and was as a practical matter against the preceding rule of the Board and the Board on October 10th notified all licensees that the sale of more than one drink at one time to one customer was contrary to the wishes of the Board.

Various forms of gambling appear to be regarded with more favor than at some periods, but the Board is still, as for many years, of the opinion that devices affording the opportunity or the temptation to gamble whether or not gambling devices per se have no proper place on licensed premises. The presence of these devices on licensed premises was forbidden by the Board years ago but every little while a new crop appears said by the promoters to be different and not within the prohibition and some licensees are doubtless deceived and some probably take a chance. Last spring a new and attractive type of machine appeared which was so skillfully promoted that many were in use before authorities were aware. The Board considered the matter of sufficient importance to get out and distribute through the Police to licensees a new circular calling attention to the various forms of gambling forbidden by the law and saying that "The Board is of the opinion that slot machines or any other devices which furnish anything beside merchandise of a quantity and quality commensurate with the price deposited, or a machine which gives prizes, or a machine which may be used for gambling, are gambling devices within the meaning of the law,

and the use on licensed premises of any such machines or devices is forbidden by the Board. Do not rely on the statements of agents of these machines or devices. Consult your attorney or the Licensing Board."

There continues to be a great call for entertainment in connection with the consumption of food and beverages. Radio is permitted on all licensed premises and is practically the only entertainment allowed in a tavern. Instrumental and vocal music are wanted in the majority of restaurants and dancing in many, and some or all of these are allowed on premises that appear to be suitable and when not likely to cause disorder or become a nuisance.

No dancing is allowed on Sunday or after midnight Sunday night except that on two or three special charitable occasions, dancing has been allowed after 12-1 A.M. Monday morning.

A new type of entertainment for all licensed premises appeared last summer called Ticker News Service. One company proposed to give among other things racing news before and during the progress of each race so that betting could be done. This company was informed that this kind of news would not be allowed by the Board and it abandoned the field. The other company gave general news with racing results after a race closed. This service was much like that given by radio and was permitted by the Board, but with all racing news eliminated. Many applications for this form of entertainment were received but it did not prove to be popular.

The police are by law the agents of the Board to investigate and report on applications for all kinds of licenses, and to report on the conduct of licensees and conditions on licensed premises. The Alcoholic Beverages Control Commission also gives valuable information and cooperation.

Complaints are received by the Board from the Police and from individuals and organizations against all types of licensees and from the inspectors of the Alcoholic Beverages Control Commission against liquor licensees, and the Board is ready to receive information at any time from any source of the illegal or improper conduct of any licensee or as to the desirability of granting or refusing any license.

The sale of alcoholic beverages is legal and is now a part of our social and economic life, but the number of licenses to be granted, within the limits prescribed by law, the type of license most suitable, the location and suitability of the premises and the number needed or desirable in a particular district, are matters of judgment by the Board, and on appeal, by the Alcoholic Beverages Control Commission. Every citizen and every organization interested has a right to be heard and the Board welcomes information that may assist it to act wisely.

Drug store licenses are not subject to approval by and there is no right of appeal to the Alcoholic Beverages Control Commission. All other alcoholic beverage licenses are subject to approval by the Commission, but practically all licenses thus far granted by the Board have been approved by the Commission. All decisions by Licensing Boards concerning the granting or refusing of alcoholic beverage licenses, except as to whether restaurant licenses shall be granted for all days in the week or for six days only, and all decisions in matters of discipline may be appealed to the Commission.

In deciding appeals on their merits, the terms used by the Commission are "appeal sustained" and "appeal denied."

A decision "appeal sustained" means that the Board is overruled and if the appeal was from the refusal of the Board to grant a license, the Commission orders the Board to grant the license.

A decision "appeal denied" means that the action of the Board is upheld by the Commission and the party that appealed gains nothing by his appeal.

During the year there were 152 appeals from the action of the Board to the Commission; 45 of these appeals were disposed of by withdrawal or in some other way not involving an actual hearing by the Commission.

Of the 107 appeals heard, the Commission sustained 45 and denied 62.

Seven appeals were disciplinary and of these 1 was sustained and 6 denied. Seventy-nine appeals were from the refusal of the Board to grant restaurant or tavern licenses and of these 37 were sustained and 42 denied.

Of 12 appeals from the refusal of the Board to grant package store licenses, 5 were sustained and 7 denied.

Three club applications were rejected by the Board and on appeal 2 were sustained and 1 denied.

One seasonal application refused by the Board was denied by the Commission on appeal.

Two appeals from changes by the Board of the type of license held by a licensee were denied by the Commission.

In the matter of 2 package licenses and 1 restaurant license granted by the Board, citizens appealed to the Commission to refuse approval. These three appeals were denied and the granting of the licenses approved.

The number of complaints with reference to miscellaneous licenses, which term includes all licenses except those connected with the sale of alcoholic beverages, runs along about the same year after year, and is substantial but not large in proportion to the number of licenses. Complaints against alcoholic beverage licensees have also been few in comparison with the number.

Many hearings have been held in connection with alcoholic beverage licenses, but a large proportion of these hearings have been with reference to the granting of a license or the type of license to be granted, transfers to new locations, changes from one type of license to another, changes of hours, the granting and changing of entertainment permits, and other matters of a more minor nature.

In the granting of licenses, the Board cooperates with the Building Department, the Health Department, the Park Department and the School Department of the City and its relations with these departments, the Police Department and the Alcoholic Beverages Control Commission are harmonious.

It desires to express its appreciation of the faithful service of its secretary and employees, with regret that the service has required much overtime work on the part of some.

Respectfully submitted,

D. T. MONTAGUE,
EDWIN D. GALLAGHER,
MARY E. DRISCOLL,

Licensing Board for the City of Boston.

WITHDRAWN

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